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OF THE

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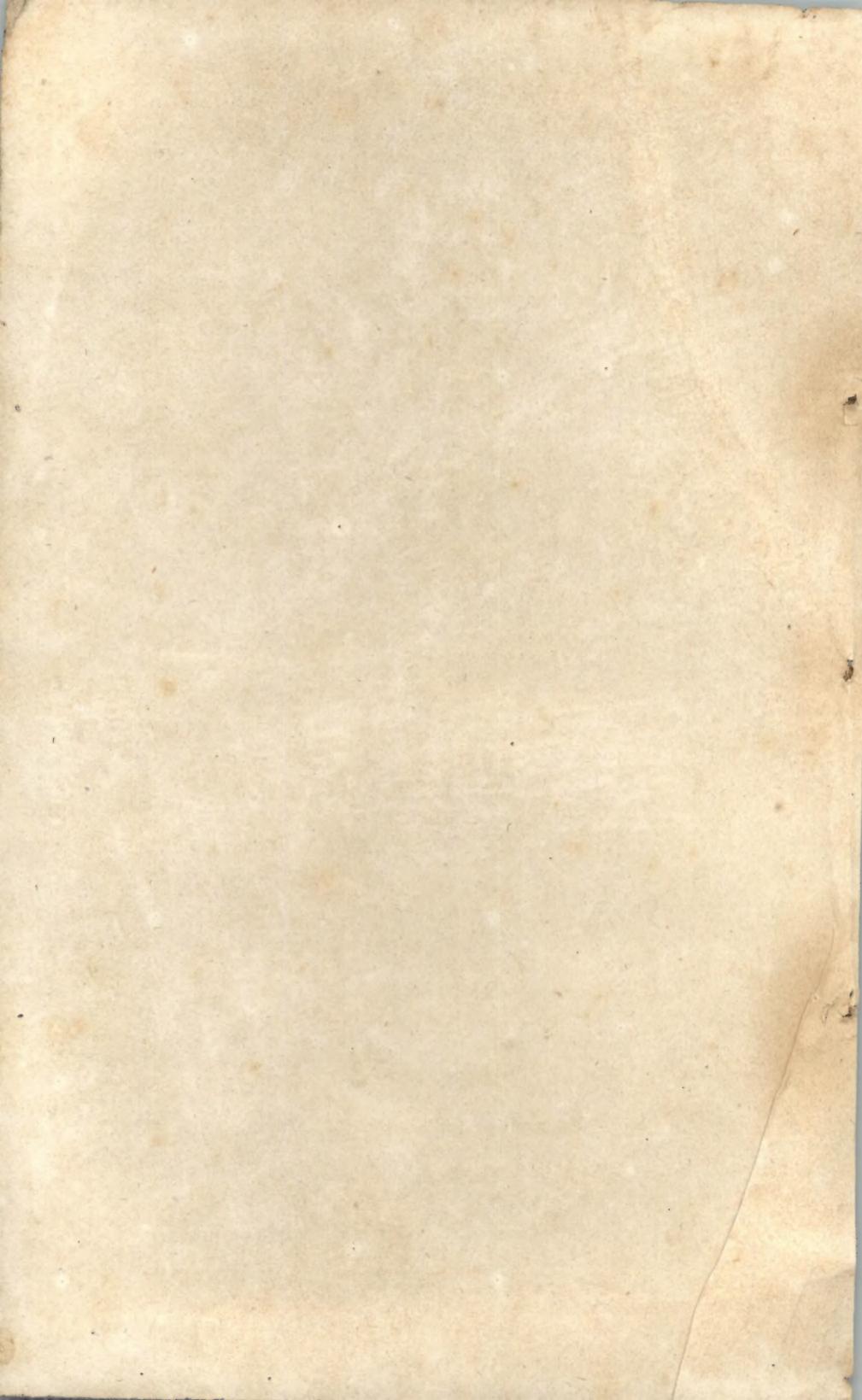
NOVEMBER SESSION,

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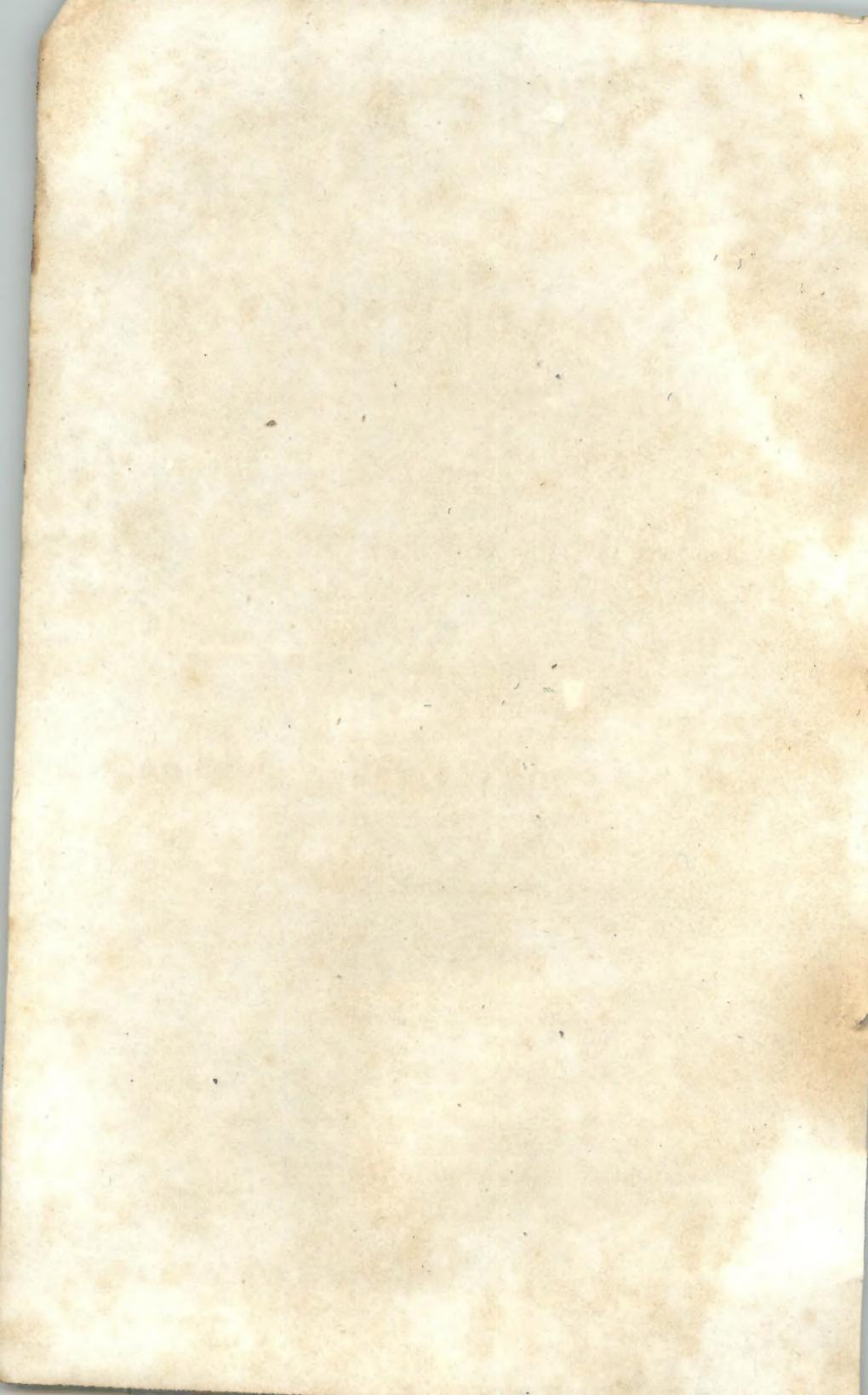
CONCORD:

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1843.







JOURNAL

OF THE

HONORABLE SENATE

OF THE

STATE OF NEW HAMPSHIRE,

AT THEIR SESSION

HOLDEN AT THE CAPITOL IN CONCORD,

COMMENCING WEDNESDAY, NOVEMBER 2, 1842.

PUBLISHED BY AUTHORITY.

CONCORD:

CARROLL & BAKER, STATE PRINTERS.

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HONORABLE SENATE,

NOVEMBER SESSION, 1842.

WEDNESDAY, NOV. 2, 1842.

The General Court of the State of New Hampshire having this day convened at the Capitol in Concord, agreeably to adjournment at their last June session, the following members of the Senate appeared and took their seats, viz :

From District No. 1—Hon. Thomas P. Treadwell,

No. 2—Hon. Samuel Hatch,

No. 3—Hon. Simon P. Colby,

No. 4—Hon. Isaac Hale,

No. 5—Hon. George McDaniel,

No. 6—Hon. John L. Perley,

No. 7—Hon. Titus Brown,

No. 8—Hon. Jacob Straw,

No. 9—Hon. James Batcheller,

No. 10—Hon. Daniel M. Smith,

No. 11—Hon. Josiah Quincy,

No. 12—Hon. Simeon Warner.

Isaac L. Folsom, Clerk.

Josiah B. Wiggin, Assistant Clerk.

The Senate having been called to order by the President,
On motion of Mr. McDaniel—

Ordered, That the Clerk inform the House of Representatives that a quorum of the Senate have assembled, and are ready to proceed to the business of the session.

JOURNAL OF THE SENATE.

A message from the House of Representatives by their Clerk:

"Mr. President—I am directed to inform the Honorable Senate, that a quorum of the House of Representatives have assembled, and are now ready to proceed to the business of the session."

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have appointed Messrs. Norris, Davis of Cornish, and Kimball, with such as the Honorable Senate may join, a committee to wait on His Excellency the Governor, and inform him that quorums of both branches of the Legislature have assembled and are ready to proceed to the business of the session; in which they ask the concurrence of the Honorable Senate."

On motion of Mr. Hatch—

Resolved, That the Senate concur with the House of Representatives in the appointment of a joint select committee to wait on His Excellency the Governor and notify him of the assembling of the Legislature.

Ordered, That Mr. Warner be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Warner, from the joint select committee appointed to wait upon His Excellency the Governor and inform him that quorums of both branches of the Legislature have assembled, and are ready to proceed to the business of the session, reported that they had attended to the duty assigned them; and that His Excellency was pleased to say that he would meet both branches of the Legislature in Convention at eleven o'clock, A. M. for the purpose of delivering them a message.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives are now ready to meet the Honorable Senate in Convention, for the purpose of receiving a communication from His Excellency the Governor."

On motion of Mr. Treadwell—

Resolved, That the Senate now meet the House of Representatives in Convention for the purpose of receiving a communication from His Excellency the Governor.

IN CONVENTION.

The Senate and House of Representatives being assembled in Convention for the purpose of receiving a communication from His Excellency the Governor; His Excellency came in attended by the Honorable Council, and in presence of both branches of the Legislature delivered the following

ADDRESS:

*Fellow Citizens of the Senate,
and of the House of Representatives:*

The resolution which was approved on the 23d day of June, 1842, and which fixed the time for the termination of your last session, points out in a special manner the business which is to engage your attention at your present meeting. It is to be hoped that the important subject of the revision of our public statutes will command the early, constant and persevering consideration of the Legislature, until the same shall have been completed.

The opportunity which has been afforded during the recess for a full and critical examination of the report as prepared by the Commissioners authorized "to revise, codify and amend the public acts," and which was made at your last session, and printed by your order, will have enabled you to bring to the consideration of this important subject your approved views and your matured judgment. And I trust that you will be prepared to perfect the work without the necessity of a protracted session.

In view of the present condition of the pecuniary affairs of our own people, in connexion with that of the people of our whole country, and in view of the embarrassment and distress which are abroad in our land, I cannot too strongly urge upon you the great importance of your unceasing application with a view to the speedy accomplishment of this business. There is a solemn duty resting upon us all, as the representatives of a free, economical and hard working community, not to continue this session longer than shall be necessary for a faithful and full discharge of our public trusts. *By exerting our united efforts and by a course of untiring industry we shall be able, I trust, to perform the public duties pressing upon us, with great despatch.*

The printing of the report of the Commissioners appointed under the resolve of June 20, 1840, "to revise, codify and amend the statute laws," was wisely ordered to be conducted under the

supervision of the Commissioners themselves. They are still charged with the consideration of the subject of their report—and the opportunity which has been afforded to them, since our adjournment, for its careful revision, will enable them to suggest such alterations and amendments as they shall deem important, and which cannot fail greatly to facilitate and expedite your labors. The acknowledged character for learning and discrimination of the Commissioners, will undoubtedly induce the Legislature to regard their suggestions with the most favorable consideration.

From my own examination of their report, and from a careful attention to the plan adopted by the Commissioners. I cannot but regard it as a most judicious system, "embodying and arranging all our public statutes methodically under proper and distinct titles, chapters and sections." Whatever changes may be made by the Legislature, in the particular provisions of their report, I trust that the general plan of the Commissioners will be preserved. This work was demanded by a regard to the true interests of the people, as more than fifty years had elapsed since there had been any general revision of our statute laws, and the report is not only creditable to the Commissioners themselves, but if adopted, will be found of great practical utility.

It was my intention at the close of our last session, to have communicated at this time my own views of the several statutes embraced in the report of the Commissioners, and to have suggested such alterations with reference to them as I might deem expedient. But on further reflection it has occurred to me that such a course would not be attended with any special advantage. My opinions might come in conflict with the opinions of others, and thus would be produced embarrassment rather than aid. The details of our public acts belong exclusively to the legislative branch of the government; and assembled as you are for the express purpose of perfecting those details, and aided as you will be, through your committees, by the suggestions of the Commissioners, from time to time in the progress of the business, as well as from your previous examination of their report, it has seemed to me that any special remarks from the Executive touching this subject, would be but an act of supererogation. The Legislature will have in mind that from the beginning to the end of their report, the Commissioners have done but little more than to bring together our existing statutes, scattered as they were throughout our volumes and pamphlets, and to collect and arrange them under appropriate titles, and there will be but little occasion with reference to the great portion of their report, to do more than to see

that our existing laws have been faithfully transcribed and properly arranged. I am satisfied with the general character of this report, and with the particular plan which has been adopted by the Commissioners. But as our public statutes are about to be revised and re-enacted, I would recommend to the Legislature the adoption of some new provisions. I do not propose to present to your view any general system, but merely a few additions for the purpose of making our public statutes, as they should be, a collection of equal and just enactments. We profess to be governed by just laws, laws which have emanated from the representatives of a free people, and in perfect accordance with that spirit of equality which pervades all our institutions. We delight to recur to that instrument under which we live, and which guarantees equal rights and equal privileges, and which declares that "the inhabitants of this State are not controllable by any other laws than those to which they or their representative body have given their consent." I would not be misunderstood. I would not desire to see the provisions of our constitution changed in the particular to which I have and shall again refer. I would not desire that any alteration in our fundamental laws should be made, with a view to give political rights to a class of inhabitants who are now excluded from all political privileges. I desire that our political and that our social relations may remain undisturbed. But it has long impressed my mind that this great principle of equal right and of equal privilege was disregarded by subjecting the property of our female to a like taxation with that of our male inhabitants. It seems to me to be an act of paramount injustice. Any individual who has given to this subject the least consideration, will perceive that the practical operation of our existing laws subjecting the property of females to an equal taxation with that of males, is most unequal and oppressive. The industry of our female population is confined to but few channels. Their ordinary and most usual employments exclude the idea of their ability to amass a fortune by their best efforts. The application of their energies is confined to manual labor or to the instruction of youth. The habits of life and all our social relations do not admit the female portion of our community to any participation in the profitable business of the various mechanic arts, or in the advantages of professional pursuits. They are by common sentiment wholly excluded from all such employments. As their avocations are greatly confined, so must their earnings necessarily be greatly limited. One slight reverse would deprive them of the earnings of many years of severe industry and more severe economy and privation. In every respect connected with events of

human life, the male has greatly the advantage of the female inhabitant, and should be made to bear the greater share of the burdens of political society. He alone is properly concerned in the management of public affairs—in the enactment and execution of our public statutes—in the administration of our government. All this is as it should be, and of consequence he should be subjected to the greater portion of the charge and expense incident to the maintenance of our institutions. From these considerations, it seems to me unjust and oppressive, that females in their restricted sphere of action should be made subject to the same taxation with males, on an equal amount of property.

It is a matter of fact that a female possessed of money at interest—the earnings of a life of hard labor—under our laws regulating the taxation of property, is subject to the same tax with the male on the same amount and kind of property; and our observation reminds us that the ordinary earnings of the males of the same age and in the same period of time, exceeds that of females three or four hundred per cent; and hence it will be perceived that under the operation of our laws regulating assessment and taxation, we necessarily impose a tax upon the wages of the labor of the female, on the same amount of property, a like per cent beyond that of the male inhabitant. The practical operation then of the existing statute touching the taxation of property, is most unequal, unjust and oppressive upon females. It is an evil and should be corrected.

Independent of this consideration, I regard the taxation of the female, in an equal degree with that of the male inhabitant, as inconsistent with that great principle which lies at the foundation of our free government—“*the consent of the governed.*”

Females, upon no principle of equal and common justice, can be made subject to the same degree of taxation as those by whose political power our government alone is properly constituted and administered. Our male population possess rightfully all political power. They alone contribute to the election of those charged with the important business of devising the ways and means for the support of the government and of the free institutions of the State. They are exclusively, and as before observed, in perfect accordance with propriety and public policy, employed in the administration of our public affairs.

The exclusive political rights, the intellectual operations and the physical ability of man point him out as designed by the framers of the constitution, by all the relations of civil society, and by every consideration of equal justice, to bear the greater portion of the burdens necessary for the well being of the community.

I am not prepared to say that the female inhabitant should be excused from all taxation. Every member of society, female as well as male, "has a right to be protected by it in the enjoyment of life, liberty and property," and therefore is bound to contribute in the necessary expenses for such protection. Females enjoy all these rights in a degree equal to that of males. Their lives, character, liberty and property are alike protected by the laws of the State. They have in common with those of the other sex the benefit of our existing laws for the enforcement of their rights. For this protection and this security, something should be contributed.

What amount of property the female inhabitant might possess before she should be called upon to make this contribution, is for you to determine. In view, however, of every consideration which has been presented to my mind, I do not hesitate, as the result of my best reflections, to recommend to the Legislature to provide that females may possess a fixed amount of their own property, honestly and without fraud acquired, whether real or personal, the fruits of their own industry, wholly exempt from taxation. Such a change in our policy, such an alteration in our existing statutes would be promotive of that equal justice which is our boast and pride.

There is also another provision which I would recommend to have incorporated into our laws upon this same subject. Money on hand and money at interest are very properly embraced among the objects of taxation. The principle which has hitherto governed the action of the Legislature touching this matter, has been to regard this as a tax upon income. And so it should be. But it often happens that an individual in view of cancelling an outstanding liability, may have in his possession on the first day of April money on hand, not intending to place it at interest or derive an income therefrom, but merely to discharge an obligation which rests upon him. In such a case the individual, thus accidentally in possession of money, should not be made subject to a tax therefor. Such a course would contravene the great object of the Legislature in subjecting money on hand to taxation. This as well as every part of our public statutes should be made so explicit, that the design and purpose of the law cannot be misapprehended.

In submitting the foregoing remarks, I have only intended to bring to the notice of the Legislature such provisions as I think should make a part of our statutes, upon the subject of the taxation of property. I commend this whole matter to your best judgment and discretion.

'I would recommend to the Legislature to authorize Judges of Probate, in their discretion, to issue letters of administration, to approve wills, to receive inventories and to grant licenses to sell, out of term time. Experience has shown that much inconvenience and sacrifice has arisen for want of such an authority. And I do not perceive any special objection to the exercise of such a power by our Judges of Probate. I would by no means compel them to perform this particular duty, but I would give them authority to exercise it, if in their judgment there should be a proper occasion.

In the revision of our public statutes, care should be taken to render them so clear and so explicit, that they cannot be misapprehended. And I would press this consideration upon the Legislature. Every ambiguity should be removed ; and no occasion should exist to call to our aid judicial construction for the interpretation of our public acts.

The act for the ease and relief of poor debtors, approved January 3d, 1829, and the subsequent laws upon the same subject, suggest the necessity of further explanatory legislation. It is supposed by some, that a commitment to prison of a debtor in pursuance of the act approved January 3d, 1833, does not deprive him of the benefit of the oath prescribed for his relief, even if he should after such commitment apply the property that he might possess at the time of his commitment, for the satisfaction of other creditors, instead of applying such property to the payment of the execution upon which he stands committed ; others have expressed a different opinion with reference to the existing provisions of our laws upon this subject ; and it would seem that there can be no good reason why a debtor, imprisoned on execution at the instance and election of his creditor, should be deprived of the right of honestly applying his means for the discharge of his other liabilities. At all events, it is fit that this and all our public statutes should express unequivocally the meaning and purpose of the Legislature.

In my address to both houses of the Legislature, at their last session, I commended the interests of our militia to their favorable consideration. I cannot doubt the readiness of an assembly like yourselves, to perfect this great institution of the people intended for the protection of the people. It was the remark of a distinguished statesman of our country, "that the beauty of our republic does but reflect the deformities of European despotism." And in no one particular is the character of our republican institutions more beautifully illustrated than in the militia establishments of the respective States. Almost the first amendment which was

made to the constitution of the United States, declared that the right of the people to bear arms should not be infringed, and gave ample testimony to the necessity of a well regulated militia for the security of every free state. It is believed to be the general sentiment of the people of New Hampshire that the existence of the moral influence and physical power of our militia, is essential for the due enforcement of the enactments of our Legislature. This opinion sanctioned and sustained as it has been by the best and purest patriots of our country, should induce us to lend our aid for the improvement and maintenance of a system so essentially connected with the liberties and just rights of the people.

The militia, from the nature and character of the force—composed as it is of freemen—cannot but be regarded with interest and favor by the representative body of those same freemen. And in the revision of our public statutes which is about to take place, I would earnestly press the subject of our militia upon your consideration.

Since the last meeting of the Legislature, I have reviewed nearly one half of the regiments composing the militia of our State, and I take pleasure in communicating to you, that I found a body of active, able and efficient men, willing and prepared for any service which the State might require; and with very few exceptions, I found them well armed and well equipped. The property belonging to the State, either in the possession of Artillerists or Infantry, was well preserved. It gave me great satisfaction to notice with what prudence the public property had been managed. In no one instance had I occasion to fault those officers commanding the companies of Artillery falling under my inspection, for any remissness in the care of the ordnance committed to their charge. And with equal satisfaction I am able to state that the guns and equipments furnished to the infantry, have been carefully used and well preserved. And it is believed that of the guns that have been distributed from our State Arsenal, few have been lost, and most of them are now in good order and condition for actual use. I cannot permit this opportunity to pass without expressing my entire belief that the acts providing for the distribution of the arms to portions of our militia, were founded in wisdom. Those companies which had been supplied with State arms, were not only well uniformed, but well disciplined and drilled, constituting a force efficient and prepared for any emergency. The effect of giving to those companies State arms has manifestly been to awaken a pure and patriotic spirit among the soldiery, and to give vigor, health and strength to our whole militia.

In the course of my reviews, I frequently found companies of men not required by the existing laws to perform military duty, armed, uniformed and well disciplined, making up an important part of the numerical force of our militia. In some very few instances, I found that the towns to which they belonged, withheld from them the pecuniary allowance granted by law, upon the ground that such companies were not required by the existing laws to perform this service. If the statute is deficient in this respect, it should be made explicit. And I would particularly recommend to the Legislature to provide that these volunteers should receive the same remuneration as others. There is no good reason why any difference should exist or any distinction should be made. The effect of these voluntary associations has been most salutary upon the character of our militia. Armed as they are—uniformed and disciplined as they are—I should regret to see any positive provision of law denying to them what is granted to others for the same description of service. I should regret to see the spirit and zeal which now animates these corps, and which has been productive of so much good, in any degree restrained.

I observed that many of the companies assembled for inspection and review, suffered inconvenience for want of suitable tents, and I would respectfully recommend to the Legislature to provide by law, that the towns to which the militia companies belong, should furnish *at their charge* suitable tents for the accommodation of such companies at the annual muster for inspection and review. There are other defects in our militia laws which will readily occur to the Legislature, and which I hope will be amended. In the main I do not wish to see them essentially changed except in the particulars I have named. The efficiency of the militia should be the great object in view. If the Legislature will provide some encouragement; if towns shall be required to make some pecuniary advances, and to afford suitable tents; if the soldiery even feel, if they can but realize, that they merit the protecting care and aid of their political fathers; the spirit which fills their hearts and governs their actions will do all that remains to be done.

I do not design at this time to go at length into the consideration of those subjects to which I called the attention of the Legislature at the last session. The views and opinions which I then expressed upon questions of general policy as well as upon measures of a local character, remain unchanged. Subsequent reflection has confirmed me in the correctness of the opinion I then advanced upon the subject of our Judiciary. It will be in-

dispensably necessary in order to secure the administration of justice "*promptly and without delay,*" to make some change in our Judiciary system. The plan I then suggested, strikes me as being more feasible than any other. I would add one to the number of our judges. I do not think it important for the transaction of the business of the Superior Court, that the number of the justices of that tribunal should be increased. In my judgment, no four men possess the physical ability to perform acceptably the high and responsible duties belonging to the office of presiding justices of the courts of Common Pleas, and also the duties pertaining to their office as justices of our Superior Court. In case the Legislature should provide for the appointment of an additional judge, the particular duties of that office may well be prescribed by law. And in relation to the subject of increased compensation to the justices of our Superior Court, I have nothing further to communicate. The mode I then suggested is in my view free from objection. Let the judge of our Superior Court, whose duty it shall be to attend the jury terms in the respective counties, receive from the county treasuries, for his actual travel and attendance, a compensation that shall cover his actual expenses. This plan has been much approved elsewhere.

In my communication to the Legislature at the commencement of the present political year, I expressed my views in relation to private corporations, *to the rights of corporators* and the liabilities to which they should be made subject. I have no desire to enlarge at this time, or to retract a single sentiment heretofore advanced upon those subjects. The events which have transpired in a neighboring commonwealth since our adjournment, cannot fail to impress upon the Legislature the absolute necessity of looking to the interest and security of our citizens, by incorporating the guards and restrictions recommended in my first communication, in the charters hereafter to be granted to private corporations. I do not wish to say more than I have said, except to add, that should the Legislature see fit to grant any new charters for banks, it is to be hoped that there will be no relaxation of the supervision now exercised over such institutions. This of itself has been productive of much practical benefit, and should hereafter be rigidly enforced. Another important provision should be added to bank charters—no director or other officer for the time being, should be concerned or interested in any discount made for the bank. Should this regulation be faithfully observed, much if not all the evils of banking operations, as now conducted, would at once be remedied. I make these suggestions, not designing to interfere with the details of any banking system upon which you

may ultimately decide, but merely for your consideration in prescribing those details.

I transmitted to our Senators and Representatives in Congress a certified copy of the resolution of the Legislature, passed at the last session, in relation to the Northern and North-Eastern Boundary of the United States. I am happy to have it in my power to communicate to you that through the prompt attention of our delegation in Congress to that subject, by the treaty which was concluded at Washington, between the Representative of the government of Great Britain, and the Secretary of State of the United States, "the rights of this State to the territory over which we have always claimed and exercised jurisdiction," have been acknowledged and sustained.

Congress at its late session passed an act requiring of the respective States to district their own territory for the election of Representatives to the popular branch of our Government, and also for fixing the ratio of such representation. New Hampshire, according to the provisions of that act, will be entitled to only four Representatives in Congress for the next ten years. Entertaining a decided opinion against the policy of dividing our State into districts for the choice of Representatives, and believing that Congress has no constitutional power to require of the State governments such an act of legislation, I hope no such law will be passed at the present session. The whole subject matter, however, addresses itself exclusively to your own good sense and sound discretion.

I received from the Secretary of the Treasury of our national government, a communication under date of June 24th, 1842, in which he was pleased to call my attention to the third section of the act of Congress approved Sept. 4th, 1841, entitled "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," and requested me "to cause his department to be put in possession at as early a day as practicable, of the evidence of appointment of such agent or agents as may have been designated to receive the portion of the proceeds of sales of the public lands accruing to the State of New Hampshire, under the provisions of the aforesaid act of Sept. 4th, 1841."— To this communication I replied, among other matters, "that the Legislature at its recent session did not see fit to appoint any agent for the purpose above stated, and I am aware as the Legislature has made no such appointment, that by the provisions of the act I am authorized to designate a person to receive at the Treasury of the United States, that portion of the net proceeds of the sales of the public lands which would belong in pursuance of said act, to

the State of New Hampshire. Yet I cannot feel myself justified in so doing. Regarding this act of Congress as unwarranted by the Constitution of the United States, I cannot agree to authorize and direct that any portion of the national funds shall be withdrawn for the exclusive use of New Hampshire, which in my judgment should be applied to the use of the whole republic."

The recent act of Congress imposing a tariff of duties on imports, puts an end to this most obnoxious policy of distributing the public means among the respective States. We cannot but rejoice that an end has been put to distribution—but we deeply regret that it has been accomplished by the adoption of a system of revenue that had nothing to recommend it to our favor but the provision which it contains, for confining hereafter the public means solely for the public use. A tariff like this, unequal in its exactions, discriminating in its character, looking more to protection than to revenue, is without that uniformity in its operations which alone can make it conformable to the Constitution of the United States.

At the commencement of your last session, I made known to you, and through you to the people, my views upon the origin, character and tendency of our General and State Governments. It was at that time my purpose to show that the great object of our political fathers was the establishment and protection of individual rights as contradistinguished from privilege and monopoly. In presenting to the Legislature my opinion of the design of the American Revolution, and the formation of our National and State Constitutions, consequent upon that event, it was my purpose to illustrate that the principles of popular liberty and of just and equal privileges, were boldly and fearlessly asserted and perseveringly maintained from the declaration of American independence, through all the subsequent events of our history to the establishment of the civil compacts by the members of our confederacy. It was no less my design to show that, by the legislation of our General as well as of our State governments, this great principle had been too often disregarded,—that exclusive privileges had been too often conferred—that partial and oppressive legislation had been so repeatedly adopted, that we had reason to be alarmed for the continuance of our institutions in their purity.

With feelings such as I have described, and with a deep and seated conviction that the liberty of the people was in danger—that the tendency of our own legislation as well as that of our national government, had been to sacrifice the interests of the many for the benefit of the few, to make the solemn and impressive language of our constitution yield to the tremulous voice

cy—I then freely stated to the legislature the powers of *our own written constitution*—the privilege that it guaranties and the right it protects. If the views then expressed have received your approbation and the approbation of our people, I shall feel that a new impulse has been given to the cause of human rights, and that new efforts will be made for their unyielding preservation,

In a communication received since our last meeting from His Excellency Samuel W. King, acting as the Governor of Rhode Island, a demand was made upon me as the Chief Magistrate of New Hampshire to surrender to the individual who was designated, His Excellency Thomas W. Dorr, then residing within the limits of our State, for the purpose of having him conveyed to the State of Rhode Island for the trial of an offence alleged to have been by him committed. I felt it to be my duty to refuse a compliance with the requisition. And in my answer I felt it to be equally my duty to make a full and explicit statement of the reasons which induced my course of action. There was involved in that correspondence a fundamental principle, and in its consideration it became necessary to examine well the character of our own government, as well as the political and inalienable rights of man, as portrayed in the constitution of our own State and that of the nation. The course I felt bound to take, has been strongly condemned by one portion of our fellow-citizens, and as strongly approved by another. All that I have to say is, that I have done no more than what my conscience sanctions;—no more than what an honest discharge of my duty required at my hands. If the views of those who oppose the course pursued, *be right*, then, in my judgment, our *revolution* which was to secure to freemen just and equal rights,—to give to man an independent and sovereign charter, and to implant in his soul the inherent principle of personal and political liberty—*has proved a solemn mockery*. Such, however, I have yet to learn are the sentiments of the majority of the people of New Hampshire. If the conclusions I have formed, and if the course I have pursued touching the Rhode Island controversy, gives effect to “the will of my constituents,” I shall feel an entire confidence in the justice and constitutionality of the reasons assigned in refusing to comply with the requisition for the surrender of Governor Dorr.

The spirit and temper of our democracy is essentially different from the cold and heartless abstractions of aristocracy. *Ours is a bond of brotherhood*, which allies each to the rights and interests of all, and makes a wrong done to the individual, an injury felt by the community, and requiring redress at its hands.

As an independent and sovereign State, New Hampshire has

existed for more than half a century under a constitution containing some provisions to which I cannot assent, but which professes to guaranty political liberty and individual protection—principles in full accordance with the spirit which pervades the declaration of American rights, and which are put forth in the charter of American freedom—and yet at this late period of our history we cannot but have seen with deep concern, within a few months past, in the least of our republics, the avowal of doctrines of a character most extraordinary, and tending in their consequences to unsettle the foundations of this free republic; we cannot but know that in this land of popular liberty and of equal rights, it has been openly avowed that there exists a civil power superior to and exercising a control over the absolute political rights of the people.

It cannot be, in view of these alarming doctrines, unimportant for you, as the representatives of freemen, congregated as a legislative assembly, to make a full, fearless and explicit declaration of your principles in relation to the inalienable rights of man in his sovereign and independent capacity. Such a course could not fail to produce the happiest effect upon the great body of our community. Such a declaration might not be necessary to enlighten an intelligent people upon the ultimate principles of American freedom. But at a time like the present, when there are abroad opinions emanating from high authority full of danger to *right and liberty*, a declaration by you of those principles upon which rests our personal and political freedom, cannot fail to fill the heart of every true patriot with joy—to inspire his confidence in the permanency of our free institutions—to animate his zeal in the support of that government which acknowledges no power superior to that which emanates from the people, which recognizes them as *sovereign*, and which secures to them the full enjoyment of those inherent rights, **LIBERTY AND EQUALITY**. As the representatives of an intelligent and patriotic people, jealous of power and tenacious of liberty, we should all be guided by the great reality *that we are but their agents*, bound to act for their good, and accountable to them for the discharge of our trust. If we fail not to realize these solemn truths, and if in our public course we shall be controlled by these high considerations, then indeed will the rights of our sovereigns be respected and maintained.

Equal and just laws for the constituent, and a direct responsibility in the representative, will inspire that confidence and promote that harmony and spirit of union among the members of the

community, which will afford the surest guaranty for the perpetuity of our free institutions.

I shall be ready, fellow-citizens, to concur with you in the passage of all such acts as the interest of our people may require, and the language of our constitution shall justify.

HENRY HUBBARD.

Council Chamber, Nov. 2, 1842.

One copy of the foregoing address was presented by His Excellency to the President of the Senate, and one copy to the Speaker of the House of Representatives.

On motion of Mr. Straw—

The Convention rose and the Senate returned to their Chamber.

IN SENATE.

On motion of Mr. Treadwell—

The foregoing Address of His Excellency the Governor was laid upon the table.

On motion of Mr. Hatch—

Resolved, That the Clerk be directed to procure two hundred printed copies thereof for the use of the Senate.

On motion of Mr. Smith—

The Senate adjourned.

AFTERNOON.

On motion of Mr. Brown—

The Senate adjourned.

THURSDAY, NOVEMBER 3, 1842.

On motion of Mr. Brown—

The Senate resumed the consideration of the following resolu-

tion, sent up from the House of Representatives at the last June session for concurrence:

Resolved by the Senate and House of Representatives in General Court convened, That the House of Representatives shall proceed with the several titles of the Revised Statutes, as separate bills, so far as to pass them to a third reading—that so soon as any title has passed to a third reading in the House, it shall be sent to the Senate for concurrence—that the Senate shall proceed with such title to the same stage, and after concurrence by both branches it shall be engrossed—that when all the titles shall have been engrossed, the whole bill shall be reported to the House as engrossed, and then be in order for a third reading, and when the bill shall have been finally passed by both branches, it shall be signed by their respective officers and sent to the Governor for his approval.

On the question, shall the resolution pass?

It was decided in the affirmative.

So the resolution passed.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. M'Daniel submitted the following resolution:

Resolved by the Senate and House of Representatives in General Court convened, That Wednesday, the ninth day of November instant, at eleven o'clock in the forenoon, be assigned as the time for going into the election of a Senator, to represent this State in the Congress of the United States, for the term of six years, to commence on the fourth day of March next:

And on the question, shall the resolution pass?

It was decided in the affirmative.

So the resolution passed.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. M'Daniel—

Resolved, That the Senate take a recess for a half an hour.

Met agreeably to adjournment.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in the passage of a resolution fixing upon a day for proceeding to the election of a Senator from this State to the Congress of the United States, for the term of six years, from and after the fourth day of March next."

Mr. M'Daniel, from the select committee appointed to designate the particular committee to whom the several titles of the Revised Statutes, which have not been otherwise disposed of, shall be referred, reported the following resolution:

Resolved, That Titles XV, XIX, XXIII, XXIV and XXVII, be referred to the committee on the Judiciary;

Titles IV, V and XVII, be referred to the committee on Incorporations;

Title IX, be referred to the committee on Roads, Bridges and Canals;

Titles III and XXIX, be referred to the committee on Claims;

Titles XIII and XVI, be referred to the committee on Agriculture and Manufactures;

Titles II and XIV, be referred to the committee on Military Affairs.

On the question, shall the resolution pass?

It was decided in the affirmative.

So the resolution passed.

On motion of Mr. Treadwell—

The Senate adjourned.

AFTERNOON.

On motion of Mr. Brown—

The Senate adjourned.

FRIDAY, NOVEMBER 4, 1842.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed to a third reading Title I, of the bill entitled the Revised Statutes of the State of New Hampshire, in which they ask the concurrence of the Honorable Senate;"

Which on motion of Mr. Treadwell—

Was read a first and second time by its title.

Ordered, That it be referred to the committee on the Judiciary.

On motion of Mr. Perley—

The Senate adjourned until 15 minutes before 12 o'clock, M.

15 MINUTES BEFORE 12 O'CLOCK, M.

On motion of Mr. Colby—

The Senate adjourned.

AFTERNOON.

On motion of Mr. Batcheller—

The Senate adjourned.

SATURDAY, NOVEMBER 5, 1842.

On motion of Mr. Perley—

Resolved, That when the Senate adjourn this forenoon, it be to meet again on Monday next, at three o'clock in the afternoon.

On motion of Mr. M'Daniel—

The Senate adjourned.

MONDAY, NOVEMBER 7, 1842.

AFTERNOON.

Mr. Treadwell moved that the message of His Excellency the Governor be now taken up and disposed of.

And on the question being put,

It was decided in the affirmative.

So the message was taken from the table.

On motion of Mr. Treadwell—

Resolved, That said message be referred to the committee to whom was referred the message of His Excellency at the last session of the Legislature.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed to a third reading Title IV, of the bill entitled Revised Statutes of the State of New Hampshire; in which they ask the concurrence of the Honorable Senate."

On motion of Mr. Treadwell—

The foregoing bill sent up from the House of Representatives for concurrence,

Was read a first and second time by its title.

Ordered, That it be referred to the committee on Incorporations.

On motion of Mr. McDaniel—

The Senate adjourned.

TUESDAY, NOVEMBER 8, 1842.

Mr. Treadwell introduced the following preamble and resolution :

Whereas by an act of the Legislature of this State, approved July 3, 1841, entitled "An act to limit the liability of bank directors, and to prohibit officers of banks from receiving compensation for services in certain cases," it is provided that no director of a bank shall at any time after the passage of said act be indebted or liable to the bank of which he is a director to an amount greater than fifty per cent. of the capital stock in said bank, of which said director is the bona fide holder in his own right," and whereas it appears from the report of the standing committee on banks, of the House of Representatives, made at the June session, 1842, that the capital stock of the Connecticut River Bank, is only sixty thousand dollars, and the amount of debts due from directors of that bank, as principal and surety is thirty-three thousand four hundred sixty-three dollars and sixty cents, being more than fifty per cent of the whole capital stock of said bank,—Be it therefore

Resolved by the Senate and House of Representatives in General Court convened, That the Attorney General be directed to institute proceedings against such of the directors of said bank, as shall appear to have been indebted to the same, to an amount exceeding fifty per cent. of the capital stock, held by such director, at the date of the return made by the officers of said bank to the Legislature, for the payment of the penalty imposed by said act for such offence.

Said resolution was read,

And on motion of Mr. Treadwell—

Referred to the committee on Banks.

On motion of Mr. McDaniel—

Resolved, That the Senate take a recess until half past eleven o'clock, A. M.

30 MINUTES PAST ELEVEN O'CLOCK, A. M.

Mr. Treadwell, from the standing committee on Incorporations, to whom was referred Title IV of the bill entitled the Revised Statutes of New Hampshire, reported the same without amendment.

On the question, shall the bill be read a third time?

It was decided in the affirmative.

So the bill was ordered to a third reading.

On motion of Mr. Hatch—

The Senate adjourned.

ATTERNOON.

A message from the House of Representatives by their Clerk:

"Mr. President—I am directed to inform the Honorable Senate that the House of Representatives have passed a resolution, that Mr. Lewis Weld, principal of the institution for the deaf and dumb at Hartford, be invited to make an exhibition in the Representatives Hall, of such of his pupils as may be in town, this afternoon at a quarter before three o'clock, and His Excellency the Governor and Honorable Council, and the Honorable Senate are invited to attend."

On motion of Mr. Colby—

The Senate adjourned for the purpose of attending said exhibition.

WEDNESDAY, NOVEMBER 9, 1842.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred Title I, of the Revised Statutes of the State of New Hampshire, reported the same without amendment.

On the question, shall the bill be read a third time?

It was decided in the affirmative.

On motion of Mr. Hale—

The Senate proceeded by ballot on their part to the choice of a Senator to represent this State in the Congress of the United States, for the term of six years from and after the third day of March next, and Hon. Charles G. Atherton was elected.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Treadwell—

The Senate adjourned.

AFTERNOON.

On motion of Mr. McDaniel—

Resolved, That the Senate now take a recess until half past three o'clock.

HALF PAST 3 O'CLOCK, P. M.

A message from the House of Representatives by their Clerk:

“Mr. President—The House of Representatives have on their part elected Hon. Charles G. Atherton to represent this State in the Senate of the United States for six years from and after the third day of March next.”

The House of Representatives have appointed Messrs. Norris, Davis of Cornish, and Clark of Landaff, a committee with such as the Honorable Senate may join, to wait on Hon. Charles G. Atherton, and inform him of his election to the office of Senator to the Congress of the United States, and communicate his reply to both branches of the Legislature.

The House have appointed Messrs. Hoyt of Northfield, Pierce of Hillsborough and Sturtevant, a committee with such as the Honorable Senate may join, to report the best method of publishing the Revised Statutes; in which they ask the concurrence of the Honorable Senate."

On motion of Mr. McDaniel—

Resolved, That the Senate concur with the House of Representatives in the appointment of a joint select committee to notify Hon. Charles G. Atherton of his election as Senator, and to communicate his answer to both branches of the Legislature.

Ordered, That Mr. Brown be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Treadwell—

Resolved, That the Senate concur with the House of Representatives in the appointment of a joint select committee, to report the best method of publishing the Revised Statutes of New Hampshire.

Ordered, That Mr. Colby be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from His Excellency the Governor, by Mr. Town, Deputy Secretary of State:

"*To the Senate and House of Representatives:*

I have received from the acting Secretary of the Treasury of the United States, a communication under date of Nov. 4, 1842, a copy of which I herewith transmit, informing me that the sum of nine thousand nine hundred and fifty-five dollars and fourteen cents was due to the State of New Hampshire in pursuance of the provisions of the act of Congress, appropriating the proceeds of the sales of the public lands, approved September 4, 1841, and that the same will be duly paid on the application of the authorized agent of the State. The third section of the aforesaid

act provides "that the several sums of money, received in the treasury, as the net proceeds of the sales of the public lands shall be paid at the treasury half yearly, on the first day of January and July in each year, during the operation of this act, to such person as the respective Legislatures of the said States and Territories, or the Governors thereof, in case the Legislature shall have made no such appointment, shall authorize and direct to receive the same."

Having already communicated to the Legislature my views in relation to the aforesaid act, and that I could not consistently with those views appoint and direct an agent to receive from the United States Treasury the amount belonging to New Hampshire, under the provisions of said act. Yet, it will be perceived by a reference to the 3d section of the act which makes a part of this communication, that it is competent for the *Legislature* to appoint such agent *independent of the Executive*.

I have therefore felt it to be my duty to lay before you a copy of the communication I have recently received from the Treasury Department for your consideration.

HENRY HUBBARD.

Council Chamber, Nov. 9, 1842.

Said message was read,
And on motion of Mr. Brown,
Laid on the table.
On motion of Mr. Brown—

The Senate adjourned.

THURSDAY, NOVEMBER 10, 1842.

On motion of Mr. Colby—
The Senate adjourned.

AFTERNOON.

On motion of Mr. Treadwell—
The Senate adjourned.

FRIDAY, NOVEMBER 11, 1842.

A message from the House of Representatives by their Clerk:

Mr. President—The House of Representatives have passed to a third reading Title X, of the bill entitled, Revised Statutes of the State of New Hampshire, in which they ask the concurrence of the Honorable Senate.”

Which bill, on motion of Mr. Brown,
Was read the first time,
And the second time by its title.

Ordered, That it be referred to the committee on Incorporations.

On motion of Mr. M'Daniel—

The Senate adjourned.

AFTERNOON.

Mr. M'Daniel, from the select committee to whom was referred the message of His Excellency the Governor, to see what disposition should be made of the several subjects embraced therein, made a report,

Whereupon—

Resolved, That so much of the message of His Excellency the Governor as relates to the subject of taxation, judges of Probate, and the several laws now in force for the ease and relief of poor debtors, be referred to the Judiciary committee ; that so much as relates to the militia, be referred to the committee on Military Affairs ; that so much as relates to private incorporations, be referred to the committee on Incorporations ; that so much as relates to an act to appropriate the proceeds of the public lands and to grant pre-emption rights, passed September 4, 1841, by the Congress of the United States, be referred to a select committee.

Ordered, That Messrs. Treadwell, Smith and Batcheller constitute the select committee on so much of the message of His Excellency the Governor, as relates to the distribution of the proceeds of the sales of public lands among the States.

On motion of Mr. M'Daniel—

The Senate resumed the consideration of the message of His

Excellency the Governor relative to the proceeds of the sales of the public lands, and the appointment of an agent to receive that portion belonging to this State. *CLERK*

On motion of Mr. M'Daniel—

Said message was referred to the committee having the same subject under consideration. *SECRETARY*

A message from His Excellency the Governor, by Mr. Town, Deputy Secretary of State:

To the Senate and House of Representatives:

I have been informed by a communication from the Warden of the State Prison, that there are at this time, in confinement at that institution, a few convicts who are in a state of mental derangement. It has occurred to me that such individuals ought not to be detained in that prison, and the well-being of community forbids that they should be permitted to go at large. I would therefore recommend to the Legislature to provide by law (under such restrictions as may be considered proper to impose,) for the removal of all such convicts to the New Hampshire Asylum for the Insane, there to be detained at the expense of the prison, until the completion of the time for which they were sentenced by the court.

There can be no doubt that they would be better managed at the asylum than they could be at the prison, and this seems to me to be but an act of humanity and justice to that unfortunate class of fellow-beings who are now in that prison, and who have been bereft of reason through the influence of some cause.

HENRY HUBBARD.

Council Chamber, Nov. 10, 1842.

The foregoing message was read,

And on motion of Mr. M'Daniel, referred to the committee on the Judiciary.

Mr. Treadwell, from the standing committee on Incorporations, to whom was referred Title X, of the Revised Statutes of the State of New Hampshire, reported the same with the following amendments:

Chapter 68, page 9, section 2, of the printed copy, in the 3d line of said section, after the word county, add the following words, "upon the recommendation of a majority of the Representatives to the Legislature from the several towns composing said county."

In the fourth line of the same chapter and section, strike out the words "if they see fit."

On the question, shall the amendments be adopted? *No*

It was decided in the affirmative. *It was because signed out*

So the amendments were adopted.

On motion of Mr. Brown—

The bill was laid on the table.

On motion of Mr. Brown—

The Senate resumed the consideration of Title X, of the Revised Statutes of New Hampshire.

Mr. Brown moved that said bill be further amended as follows:

In chapter 68, section 6, 10th page, 12th line, strike out the words, "*for three years thereafter*," at the end of the section, and insert the same in the 11th line, after the word "*which*."

On the question, shall the amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Brown moved that said bill be further amended, to wit:

In the same chapter, section 1, page 8, 13th line, after the word "has," insert "*before the termination of said year*."

On the question, shall the amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

The question recurring,

Shall the bill be read a third time?

It was decided in the affirmative.

So the bill was ordered to a third reading.

Ordered, That the Clerk request the concurrence of the House to the foregoing amendments.

Mr. Colby, from the standing committee on Banks, to whom was referred the resolution relative to the Connecticut River Bank, reported the same with the following amendment:

Add to the close of said resolution the following words: "*Provided said directors shall have exercised the office of directors, contrary to the provisions of said act.*"

On motion of Mr. Brown—

The resolution was laid on the table.

On motion of Mr. Brown—

The Senate resumed the consideration of the resolution relative to the Connecticut River Bank.

Mr. Brown moved that the amendment be amended by inserting after the word "*Provided*," "*it shall appear to the Attorney General that.*"

On motion of Mr. Smith—

The resolution was laid upon the table.

On motion of Mr. Colby—

The Senate adjourned.

SATURDAY, NOVEMBER 12, 1842.

Mr. Brown, from the joint select committee, appointed to wait upon Hon. CHARLES G. ATHERTON, and inform him of his election to the office of United States Senator, and to communicate his reply to both branches of the Legislature, reported that they had attended to the duty assigned them; and that Mr. Atherton was pleased to say that he accepted the appointment; and that while he expressed his deep and grateful sense of the distinction conferred upon him, he trusted that this feeling might be better manifested by a strenuous devotion of all his powers to the vindication of the rights, and the promotion of the interests of the State which has thus honored him, and to the advancement of the welfare of the country.

[Mr. Treadwell in the chair.]

On motion of Mr. Brown—

Resolved, That the Honorable Josiah Quincy, President of the Senate, have leave of absence, for one week from and after this day.

On motion of Mr. M'Daniel—

The Senate proceeded by ballot to the choice of a President pro tem, and

Hon. Titus Brown was elected.

Mr. Brown addressed the Senate signifying his acceptance of the office and took the chair.

On motion of Mr. Colby—

Resolved, That when the Senate adjourn this forenoon, it be to meet again on Monday next, at three o'clock in the afternoon.

On motion of Mr. Batcheller—

The Senate adjourned.

MONDAY, NOVEMBER 14, 1842.

AFTERNOON.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in their amendment to Title X of the bill entitled, Revised Statutes of the State of New Hampshire.

The House have passed to a third reading Titles XIV and XV of the bill entitled Revised Statutes of the State of New Hampshire, in which they ask the concurrence of the Honorable Senate."

The foregoing bill, entitled Title XIV of the Revised Statutes of the State of New Hampshire,

Was read, in part,

And on motion of Mr. M'Daniel—

Laid upon the table.

On motion of Mr. Treadwell—

The Senate adjourned.

TUESDAY, NOVEMBER 15, 1842.

On motion of Mr. Treadwell—

The Senate resumed the consideration of Title XIV, of the Revised Statutes of the State of New Hampshire,

And completed reading the same.

Said bill was read a second time by its title.

Ordered, That it be referred to the committee on Military Affairs.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed to a third reading Title V, of the bill entitled Revised Statutes of the State of New Hampshire; also, they have passed a resolution, authorizing the Secretary of State to furnish the town of Nashville with the statutes, reports, and a map of this State ; in which they ask the concurrence of the Honorable Senate."

Mr. M'Daniel moved that the Senate now adjourn,

And the question being put,

It was decided in the negative.

So the motion to adjourn did not prevail.

The foregoing bill, entitled Title XV, of the Revised Statutes of the State of New Hampshire, sent up from the House of Representatives for concurrence,

Was read in part.

On motion of Mr. Hatch—

The Senate adjourned.

At VIX o'clock this day, by noon eve said bill was
read a second time in **AFTERNOON**. before

The Senate resumed the consideration of Title XV, of the Revised Statutes of the State of New Hampshire,
And completed reading the same.

Said bill was read a second time by its title.

Ordered, That it be referred to the committee on the Judiciary.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed to a third reading Title XXVII of the bill entitled Revised Statutes of the State of New Hampshire; in which they ask the concurrence of the Honorable Senate."

The foregoing bill, entitled Title V, of the bill entitled Revised Statutes of the State of New Hampshire, sent up from the House of Representatives for concurrence,

Was read a first and second time.

Ordered, That it be referred to the committee on Incorporations.

The foregoing resolution, sent up from the House of Representatives for concurrence, authorizing the Secretary of State to furnish the town of Nashville with the statutes, reports, and a map of this State,

Was read a first and second time,

Ordered, That it be referred to the committee on Education.

The foregoing bill entitled Title XXVIII of the bill entitled Revised Statutes of the State of New Hampshire, sent up from the House of Representatives for concurrence,

Was read a first and second time.

Ordered, That it be referred to the committee on the Judiciary.

On motion of Mr. Treadwell—

The Senate adjourned.

WEDNESDAY, NOVEMBER 16, 1842.

Mr. Straw, from the standing committee on the Judiciary, to whom was referred Title XXVIII of the Revised Statutes of the State of New Hampshire, reported the same without amendment.

Mr. Colby moved to amend said title, by striking out section 21st of the 230th chapter, to wit:

"If any convict confined in the State Prison shall be insane, the Governor with advice of Council, may order such convict to be removed to the Insane Hospital, there to be safely kept at the expense of the prison, until remanded to said prison, on like order, or discharged according to law."

On the question, shall said section be stricken out?

Mr. Batcheller demanded the yeas and nays.

Those who voted in the affirmative were Messrs. Hatch, Colby, Hale, Perley, Brown and Warner.

Those who voted in the negative were Messrs. Treadwell, Straw, Batcheller and Smith.

Yeas 6. Nays 4.

So the amendment to strike out said section prevailed.

On the question, shall said title, as amended be read a third time?

It was decided in the affirmative.

So the bill was ordered to a third reading.

Ordered, That the Clerk request the concurrence of the House to said amendment.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed to a third reading Title III, of the bill, entitled Revised Statutes of the State of New Hampshire; in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the foregoing bill, entitled Title III of the Revised Statutes of the State of New Hampshire, sent up from the House of Representatives,

Which was read a first and second time.

Ordered, That it be referred to the committee on Claims.

Mr. Treadwell, from the select committee to whom was referred the message of His Excellency the Governor, relating to "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights approved September 4, 1841"; and also so much of His Excellency's message as relates to the public lands, submitted a report, which was read, and the following resolutions:

Resolved by the Senate and House of Representatives in General Court convened, That the Congress of the United States are not authorized by the constitution to pass any act distributing

to the states, "the proceeds arising from the sales of the public lands or that arising from the sales of any other description of property belonging to the United States; and that the adoption of such a system tends to impoverish the treasury and create a necessity for the imposition of additional taxes upon the people, altogether unnecessary, if this source of revenue was applied to the general charge and expenditure of the United States."

Resolved, That this Legislature hereby decline to receive that portion of "the proceeds of the sales of the public lands," assigned to the State of New Hampshire, agreeably to the provisions of the act of Congress, entitled "An act to appropriate the proceeds of the public lands and to grant pre-emption rights," approved September 4, 1841, and that our Senators in Congress be instructed, and our Representatives requested to use their best exertions to have the same applied, to the general charge and expenditure of the United States; and that they be requested to lay these resolutions before both houses of Congress.

On motion of Mr. Batcheller—~~in the afternoon at half past three o'clock~~

Ordered, That the report and resolutions lie on the table.

On motion of Mr. Treadwell—~~in the afternoon at half past three o'clock~~

The Senate adjourned.

~~in the afternoon at half past three o'clock~~ A

~~in the afternoon at half past three o'clock~~ **AFTERNOON.**

On motion of Mr. Treadwell—

Resolved, That the Senate have a recess until half past three o'clock, P. M.

HALF PAST THREE O'CLOCK, P. M.

Mr. Perley, from the committee on Claims, to whom was referred Title III of the Revised Statutes of the State of New Hampshire, reported the same without amendment.

On the question, shall said title be read a third time?

It was decided in the affirmative.

So the bill was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives non-concur with the Honorable Senate in their amendment to Title XXVIII of the bill, entitled Revised Statutes of the State of New Hampshire.

Mr. Colby moved that the Senate insist upon their amendment to the foregoing title.

On the question, shall the Senate insist upon their amendment?

Mr. Treadwell demanded the yeas and nays.

Those who voted in the affirmative were Messrs. Hatch, Colby, Hale, McDaniel, Perley, Brown and Warner.

Those who voted in the negative were Messrs. Treadwell, Straw, Batcheller and Smith.

Yea 7. Nays 4.

So the Senate insisted upon their amendment.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from His Excellency the Governor, by the Deputy Secretary of State :

"To the Senate and House of Representatives:

I have received from Doctor Charles T. Jackson, the State Geologist, a communication, containing, from Charles Cook, (a lithographer residing in Boston) estimates of the costs of the plates, required for the illustration of the Geology of our State.

The Geologist remarked, "that it will be necessary that the Legislature should early decide on this subject, and let him know what they wish to have done, and how many copies of the report and plates they intend to have printed." I have caused copies of the communication of the Geologist to be prepared, and I herewith transmit one to each branch of the Legislature.

Regarding this subject as of importance to the State, I would respectfully recommend that it should receive your early consideration.

HENRY HUBBARD.
Council chamber, {
November 16, 1842. {

The foregoing message and accompanying documents were read,

And on motion of Mr. Treadwell—

Laid upon the table.

Mr. M'Daniel moved that said message be taken up and disposed of;

But before the question was taken,

Mr. M'Daniel withdrew his motion.

Mr. Warner, from the committee on Education, to whom was referred a resolution, authorizing the Secretary of State to furnish the town of Nashville with the statutes, reports, and a map of this State, reported the same without amendment.

On the question, shall the resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow morning at ten o'clock.

On motion of Mr. McDaniel—

The Senate adjourned.

THURSDAY, NOVEMBER 17, 1842.

The Senate proceeded to the order of the day on the resolution, authorizing the Secretary of State to furnish the town of Nashville with the statutes, reports, and a map of this State,

Which was read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives insist upon their disagreement with the Hon. Senate, to their amendment to Title XXVIII of the bill, entitled Revised Statutes of the State of New Hampshire, and ask a committee of conference."

On motion of Mr. Perley—

Resolved, That the Senate concur with the House of Representatives in the appointment of a committee of conference, on the subject of a disagreement of the two branches of the Legislature, relative to Title XXVIII of Revised Statutes of the State of New Hampshire.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed to a third reading Title XVIII of the bill, entitled Revised Statutes of the State of New Hampshire; also, they have passed a resolution in favor of William Rymes; in which they ask the concurrence of the Honorable Senate."

The foregoing resolution, in favor of William Rymes, sent up from the House of Representatives for concurrence,

Was read a first and second time.

Ordered, That it be referred to the committee on Claims.

The foregoing bill, entitled Title XVIII, of the Revised Statutes of the State of New Hampshire, sent up from the House of Representatives for concurrence,

Was read in part.

Mr. Warner moved that the Senate now adjourn;

But before the question was taken,

Mr. Warner withdrew his motion.

On motion of Mr. Colby—

The Senate adjourned.

AFTERNOON.

The Senate resumed the consideration of Title XVIII, of the bill entitled Revised Statutes of the State of New Hampshire, And completed reading the same.

Said bill was read a second time by its title.

Ordered, That it be referred to the committee on the Judiciary.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have appointed Messrs. Gibson, Foss of Greenland, and Baker, a committee, with such as the Honorable Senate may join, for the purpose of fixing on a day on which the business of the present session may be brought to a close.

The House have, on their part, appointed Messrs. Peirce of Dover, Tuck, and Clark of Landaff, a committee of conference, with such as the Honorable Senate may join, upon the disagree-

ment of the two Houses upon the amendment of the Honorable Senate to Title XXVIII of the bill, entitled Revised Statutes of the State of New Hampshire, in which they ask the concurrence of the Honorable Senate."

The foregoing message, sent up from the House of Representatives, giving information that the House have appointed a committee for the purpose of fixing on a day when the business of the present session may be brought to a close, was,

On motion of Mr. Treadwell—

Laid upon the table.

Ordered, That Messrs. Colby, Warner and Perley constitute the committee of conference on the part of the Senate, upon the subject of the disagreement of the two branches of the Legislature, relative to the amendment of the Senate to Title XXVIII of the bill, entitled Revised Statutes of the State of New Hampshire."

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from His Excellency the Governor, by the Deputy Secretary of State:

To the Senate and House of Representatives:

Since your last adjournment, I have received from the Comptroller of the Treasury of the United States, the accompanying printed statement, showing, not only the balance due to the State of New Hampshire (under the provisions of the act of 4th September, 1841, "appropriating the proceeds of the sales of the public lands, &c.,") upon the adjustment of the accounts of such sales, from January 1st to June 30th, 1842, inclusive; but showing also in what manner this balance reported as due, has been ascertained. I herewith transmit to you said statement, for your consideration.

HENRY HUBBARD.

Council Chamber, November 17, 1842.

On motion of Mr. McDaniel—

Ordered, That the foregoing message of His Excellency the Governor be referred to the committee, who have had the subject embraced therein under consideration.

On motion of Mr. Colby—

The Senate adjourned.

FRIDAY, NOVEMBER 18, 1842.

Mr. Hale, from the committee on Claims, to whom was referred the resolution in favor of William Rymes, reported the same without amendment.

On the question, shall the resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time this afternoon at three o'clock.

A message from His Excellency the Governor, by the Deputy Secretary of State.

To the Senate and House of Representatives:

On the 23d of June last, (believing it to be a matter of public duty) I appointed with the advice of Council, Samuel Cushman of Portsmouth, James Burley of Exeter, and James Foss of Stratham, Trustees of the Exeter Savings Bank, and gave them authority to take possession of and manage and close the entire concern of said institution, for the benefit of the depositors, in pursuance of a resolution of the Legislature (in relation to that subject) approved July 3, 1841. The Trustees so appointed, accepted their respective appointments; and after giving a bond agreeably to said resolution, they proceeded in the execution of their trust. From a communication which has been made to me, I learn, that on a demand having been made upon those who were then the managers of the institution, by the Trustees for the property, its delivery was refused, and that they have been compelled to file their bill in equity in order to obtain the possession and control of the property, for the benefit of the several depositors. That bill I am informed is now pending and already some pecuniary expense has been incurred by the Trustees, in the commencement and prosecution thus far of their proceedings rendered necessary, to enable them faithfully to perform the duty imposed under the aforesaid resolution.

It seems to me that these public servants ought to be protected; and I would respectfully recommend to the Legislature to take this whole subject into their consideration, and to provide for the full indemnity of those officers charged with the execution of this special trust, made necessary in the opinion of the Executive, from the evidence of the then existing state and condition of that institution.

HENRY HUBBARD,
Council chamber,
November 17, 1842.

The foregoing message having been read,

On motion of Mr. Colby—

Resolved, That it be referred to a select committee of three.

Ordered, That Messrs. Smith, Hatch, and Treadwell constitute the select committee on said message.

On motion of Mr. Colby—

The Senate resumed the consideration of the information, sent up from the House of Representatives, by message, that they had appointed a committee for the purpose of fixing on a day when the business of the present session of the Legislature may be brought to a close.

On motion of Mr. Colby—

Resolved, That the Senate concur with the House of Representatives in the appointment of a committee for the purpose aforesaid.

Ordered, That Mr. McDaniel be joined to said committee on the part of the Senate.

On motion of Mr. Treadwell—

Resolved, That the Senate have a recess until half past eleven o'clock.

HALF PAST ELEVEN O'CLOCK.

Mr. Treadwell, from the standing committee on Incorporations, to whom was referred Title V of the bill, entitled Revised Statutes of the State of New Hampshire, reported the same with the following amendments.

Add after the 6th section, chapter 22, the following section,

"SEC. 7. Immediately upon the receipt of any deed for record, he shall enter in separate columns in a book kept by him, and open to inspection, the time when the deed is received—the name of the grantor—the name of the grantee, and the name of the town in which the land conveyed is situate."

In the same chapter, on page 9, line 4, of the printed copy, strike out the figure "7" and insert instead thereof the figure 8.

(c) On the question, shall the amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question, shall said bill be read a third time?

It was decided in the affirmative.

So the bill was ordered to a third reading.

Ordered, That the Clerk request the concurrence of the House of Representatives to said amendments.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed to a third reading Title XI of the bill, entitled Revised Statutes of the State of New Hampshire; in which they ask the concurrence of the Honorable Senate."

The foregoing bill, entitled Title XI of the Revised Statutes of the State of New Hampshire,

Was read in part, when

On motion of Mr. Batcheller—

The Senate adjourned.

AFTERNOON.

The Senate proceeded to the order of the day on the resolution in favor of William Rymes,

Which was read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in their amendments to Title V of the bill, entitled Revised Statutes of the State of New Hampshire.

The House have appointed Messrs. Norris, Peirce of Dover, Waldron, Blodgett, and Atwood of Hillsborough, a committee, with such as the Senate may join, upon the message of His Excellency the Governor relative to the Exeter Savings Bank.

The House have passed to a third reading Title XXV of the bill, entitled Revised Statutes of the State of New Hampshire; in which they ask the concurrence of the Honorable Senate."

Mr. Treadwell moved, that the vote referring the message of His Excellency the Governor relative to the Exeter Savings Bank, to a select committee, be reconsidered.

On the question being put,

It was decided in the affirmative.

So the vote referring said message to a select committee was reconsidered.

On the question, shall said message be referred to a select committee?

It was decided in the negative.

So the motion to refer the message to a select committee did not prevail.

On motion of Mr. Treadwell—

Resolved, That the Senate concur with the House of Representatives in the appointment of a joint select committee, to take into consideration the message of His Excellency the Governor, relative to the Exeter Savings Bank.

Ordered, That Mr. Hatch be joined to the committee on the part of the Senate.

Mr. Colby, from the committee of conference appointed on the part of the Senate, in pursuance of a request made by the House of Representatives on the subject of a disagreement between the two Houses, relative to an amendment made by the Senate to Title XXVIII of Revised Statutes of New Hampshire, reported that they had met the conferees on the part of the House, and that they were unable to agree upon any course of action to be recommended to their several branches relative to said disagreement.

Mr. Perley, from the standing committee on the Judiciary, to whom was referred Title XV of Revised Statutes of the State of New Hampshire, reported the same with six several amendments, to wit:

First—At the end of section 10, chapter 133, add the following words: “*Every unacknowledged deed, proved agreeably to this or either of the two preceding sections, shall be good and effectual, as if duly acknowledged.*”

Second—In chapter 134, section 12, 7th line in the printed form, strike out “or,” and add to the end of the section the words “refusal or neglect.”

Third—In the same chapter, section 14, page 10, and 19th line, before the word “actual,” insert “continued.”

Fourth—In chapter 135, section 13, and 23d line, strike out the word “thirty,” and insert instead thereof, “sixty.”

Fifth—In the same chapter and section, page 16, and 1st and 2d lines, strike out the words, “within sixty days.”

Sixth—In chapter 136, section 11, strike out the whole of said section.

On the question, shall the first named amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question, shall the second of the foregoing amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On motion of Mr. M'Daniel—

Said Title XV was laid on the table.

The Senate resumed the reading and examination of Title XI, of the bill, entitled Revised Statutes of New Hampshire; but before the examination was concluded,

On motion of Mr. M'Daniel—

The Senate adjourned.

SATURDAY, NOVEMBER 19, 1842.

The Senate resumed the reading and examination of Title XI, of the bill, entitled Revised Statutes of the State of New Hampshire,

And completed the same.

Said bill was read a second time by its title.]

Ordered, That it be referred to the committee on Education. The foregoing bill, sent up from the House of Representatives for concurrence, entitled Title XXV, of Revised Statutes of the State of New Hampshire,

Was read a first and second time.

Ordered, That it be referred to the committee on the Judiciary.

On motion of Mr. Hatch—

Resolved, That when the Senate adjourn this forenoon, it be to meet again on Monday next, at three o'clock in the afternoon.

On motion of Mr. M'Daniel—

The Senate resumed the consideration of their amendment to Title XXVIII of Revised Statutes of the State of New Hampshire.

On motion of Mr. M'Daniel—

Resolved, That the Senate *adhere* to said amendment to Title XXVIII of the Revised Statutes of the State of New Hampshire.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. M'Daniel—

The Senate adjourned.

MONDAY, NOVEMBER 21, 1842.

AFTERNOON.

On motion of Mr. Treadwell—

The Senate adjourned.

TUESDAY, NOVEMBER 22, 1842.

A message from the House of Representatives by their Clerk:

Mr. President—The House of Representatives have passed to a third reading Titles II and VII of the bill, entitled Revised Statutes of the State of New Hampshire; also, they have passed a resolution furnishing the town of Pittsburg with the statutes and a map of the State; in which they ask the concurrence of the Honorable Senate."

The foregoing resolution, sent up from the House of Representatives for concurrence, authorizing the Secretary of State to furnish the town of Pittsburg with a copy of the statute laws of this State, reports, and one copy of Carrigain's map,

Was read a first and second time.

Ordered, That it be referred to the committee on the Judiciary.

The foregoing bill, entitled Title II of the bill entitled Revised Statutes of the State of New Hampshire, sent up from the House of Representatives for concurrence,

Was read a first and second time.

Ordered, That it be referred to the committee on Military Affairs.

The foregoing bill, entitled Title VII of the bill, entitled Revised Statutes of the State of New Hampshire, sent up from the House of Representatives for concurrence,

Was read a first and second time.

Ordered, That it be referred to the committee on the Judiciary.

On motion of Mr. McDaniel—

The Senate resumed the consideration of Title XV of the bill entitled Revised Statutes of the State of New Hampshire.

On the question, shall the third amendment proposed by the committee be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question, shall the fourth of said amendments be adopted?

It was decided in the negative.

So the amendment was rejected.

Mr. McDaniel moved to strike out the 13th section of chapter 135, and to insert instead thereof a new section.

On motion of Mr. Warner—

Said title was laid on the table.

On motion of Mr. McDaniel—

The Senate adjourned.

AFTERNOON.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives recede from their disagreement with the Honorable Senate, upon their amendment to Title XXVIII of the bill, entitled Revised Statutes of the State of New Hampshire; and concur with the Senate in the adoption of said amendment, with an amendment; in which they ask the concurrence of the Honorable Senate."

Mr. McDaniel moved that the information sent up from the House of Representatives, by message, that they concur in the amendment of the Senate to Title XXVIII of the Revised Statutes of the State of New Hampshire, with an amendment to the amendment, be laid upon the table.

On the question being put,

It was decided in the negative.

On the question of concurrence with the amendment of the House.

Mr. Warner demanded the yeas and nays.

Those who voted in the affirmative were Messrs. Treadwell, Straw, Batcheller and Smith.

Those who voted in the negative were Messrs. Hatch, Colby, Hale, McDaniel, Perley, Brown, Quincy, and Warner.

Yea 4. Nays 8.

So the Senate refused to concur.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Colby—

The Senate adjourned.

WEDNESDAY, NOVEMBER 23, 1842.

Mr. Colby, from the joint standing committee on Engrossed Bills, reported that they had carefully examined and find correctly engrossed, the following resolutions, to wit:

"A resolution to furnish the town of Nashville with the statutes, reports and a map of this State."

"A resolution in favor of William Rymes."

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing resolutions, reported as correctly engrossed by the committee on Engrossed Bills, and their clerk was directed to lay them before the Senate for the signature of their President.

Thereupon the President of the Senate signed said resolutions, and the same were delivered to the committee on Engrossed Bills, to be laid before the Governor for his approval and signature.

Mr. Colby, from the committee on Engrossed Bills, reported that they had presented the aforesaid resolutions, by them reported as correctly engrossed, to His Excellency the Governor, for his approval and signature.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed a bill entitled "An act to unite a part of school districts Nos. 1, 2 and 3, in the town of Chichester, and a part of school district

No. 2 in the town of Epsom," in which they ask the concurrence of the Honorable Senate."

The foregoing bill, sent up from the House of Representatives for concurrence, entitled, "An act to unite a part of school districts No. 1, 2 and 3, in the town of Chichester, and a part of school district No. 2 in the town of Epsom,"

Was read a first and second time.

Ordered, That it be referred to the committee on Education.

On motion of Mr. Brown—
The Senate adjourned.

AFTERNOON.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred Title XVIII of the bill, entitled Revised Statutes of the State of New Hampshire, reported the same with six several amendments, to wit:

First.

In chapter 151, sect. 12, page 9. At the end of the section add,—"But when the wife shall be the party injured, the custody of the children shall remain with her."

Second.

In chapter 151, sect. 4, page 7, lines 23 and 24. Strike out the words "has existed for such space and," and in the same section, page 8, line 1, after the word "time" insert, "as together to constitute the time so prescribed; or if such cause has already existed for the time so prescribed and shall continue for the further space of."

Third.

In the same chapter, section and pages as last named, lines 1 and 2, strike out the following words—"as together to constitute the term so prescribed."

Fourth.

In chapter 153, sect. 1, page 16, line 6, after the word 'may,'

insert the following words—"though under guardianship previous to that age."

Fifth.

In chapter 153, sect. 14, page 20, lines 3 and 4, after the word "of" in the third line strike out the words, "the four preceding sections" and insert instead thereof the words "this chapter."

Sixth.

In the same chapter as last named, sect. 9, page 8, line 14, strike out the words, "shall give bonds and."

Which amendments were severally adopted.

On motion of Mr. Warner—

Said Title XVIII was recommitted to the committee on the Judiciary.

On motion of Mr. McDaniel—

The Senate adjourned.

THURSDAY, NOVEMBER 24, 1842.

On motion of Mr. M'Daniel—

The Senate resumed the consideration of Title XV of the bill, entitled Revised Statutes of the State of New Hampshire.

Mr. McDaniel withdrew his motion, to strike out 13th section of the 135th chapter and to insert a new section.

Mr. McDaniel then proposed the following amendments to said bill.

In chapter 134, sect. 17, page 12, 3d line, after the word "mortgagee" insert the words, "in this title."

In chapter 135, 13th section, 18th line, strike out the following words, "or any person lawfully claiming under him."

In the same chapter and section, 20th line, strike out the following words, "or person claiming under him."

In the same chapter, section and page, 23d line, strike out all of the section after the word "time" and insert instead thereof, the following words, "before a sale thereof as is herein after prescribed."

In the same chapter as last named, after section 13, insert the following:

"SECT. 14. The mortgagee may at any time after thirty days from the time of condition broken, sell the mortgaged property, or any part thereof at public auction, notice of the time, place and purposes of such sale being posted up at two or more public places in the town, in which such sale is to be, four days at least prior thereto.

"SECT. 15. If such mortgager resides in the town in which such notice is posted up, the mortgagee shall give him in hand, or leave at his residence, a like notice, at least four days prior to such sale, but if he do not reside in such town a like notice may be given to him in hand at least four days, or shall be sent to him by mail, if his residence is known, at least ten days prior thereto.

"SECT. 16. Such mortgagee may be a purchaser at such sale, and the proceeds of such sale shall be applied by him to the payment of the demand secured by such mortgage and the expenses of keeping and sale; and the residue if any, shall be paid to the mortgagor on demand."

Which were severally adopted.

On the question, shall the fifth amendment to said title reported by the committee be adopted?

It was decided in the negative.

So the amendment was rejected.

On the question, shall the sixth amendment to said title be adopted?

Mr. Perley demanded the yeas and nays.

Those who voted in the affirmative were Messrs. Treadwell, Hatch, Colby, Hale, Perley, Straw and Smith.

Those who voted in the negative were Messrs. McDaniel, Brown, Quincy and Warner.

Yeas 7. Nays 4.

So the amendment striking out section 11 of the 136th chapter of said title, prevailed.

On the question, shall said title be read a third time?

It was decided in the affirmative.

So the bill was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Treadwell—

The Senate adjourned.

AFTERNOON.

Mr. Warner, from the committee on Education, to whom was referred the bill entitled "An act to unite a part of school districts Nos. 1, 2 and 3 in the town of Chichester, and a part of school district No. 2 in the town of Epsom," reported the same with three several amendments.

On the question, shall the amendment be adopted?

It was decided in the affirmative.

So the amendments were adopted.

On the question, shall the bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow morning at ten o'clock.

Mr. Brown, from the standing committee on the Judiciary, to whom was recommitted Title XVIII of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same with the following amendments.

In chapter 153, sect. 11, page 19, line 3, after the word "an" strike out the words "idiot, noncompos, lunatic or distracted," and insert instead thereof the word "insane."

On the question, shall the amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted?

Mr. Treadwell proposed further to amend said title;

And on the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Brown offered a further amendment to said title;

And on the question being put,

Shall said amendment be adopted?

It was decided in the negative.

So the amendment was rejected.

Mr. Smith offered a further amendment to said title;

And on the question being put,

Shall said amendment be adopted?

It was decided in the negative.

So the amendment was rejected.

Mr. Treadwell offered a further amendment to said title;

And on the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Smith offered a further amendment to said title;

And on the question being put,
Shall said amendment be adopted?

It was decided in the negative.

So the amendment was rejected.

On the question, shall the bill be read a third time?

It was decided in the affirmative.

So the bill was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Hatch—

The Senate adjourned.

FRIDAY, NOVEMBER 25, 1842.

The Senate proceeded to the order of the day on the bill, entitled "An act to unite a part of school districts Nos. 1, 2 and 3 in the town of Chichester, and a part of school district No. 2 in the town of Epsom,"

Which was read a third time.

Resolved, That it pass and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Smith, from the standing committee on Education, to whom was referred Title XI of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same with sundry amendments.

On motion of Mr. Perley—

Said title was laid on the table.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed bill, and the following resolutions, to wit:

"An act to incorporate the Derry Mutual Fire Insurance Company;"

"A resolution in favor of Ephraim Cross."

The House have appointed Messrs. Glidden, Wilkins and Holden, a committee with such as the Senate may join, to wait

on His Excellency the Governor, and inform him of the election of Hon. Charles G. Atherton, as a Senator from this State in the Congress of the United States, for the term of six years from and after the third day of March next.

The House have passed to a third reading Titles XIII and XXI of the bill entitled, "Revised Statutes of the State of New Hampshire"; in which they ask the concurrence of the Honorable Senate."

The foregoing bill, sent up from the House of Representatives for concurrence, entitled "An act to incorporate the Derry Mutual Fire Insurance Company,"

Was read a first and second time.

Ordered, That it be referred to the committee on Incorporations.

The foregoing resolution in favor of Ephraim Cross, sent up from the House of Representatives for concurrence,

Was read a first and second time.

Ordered, That it be referred to the committee on Claims.

On motion of Mr. Colby—

Resolved, That the Senate concur with the House of Representatives in the appointment of a joint select committee to wait on His Excellency the Governor, and inform him of the election of Hon. Charles G. Atherton, as Senator from this State to the Congress of the United States.

Ordered, That Mr. Straw be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

The foregoing bill, entitled Title XIII, of the "Revised Statutes of New Hampshire, sent up from the House of Representatives for concurrence,

Was read in part,

When on motion of Mr. Treadwell—

The Senate dispensed with the further reading of the same.

Said Title was read a first and second time by its title.

Ordered, That it be referred to the Committee on Agriculture and Manufactures.

The foregoing bill, entitled, Title XXI of the bill, entitled "Revised Statutes of the State of New Hampshire, sent up from the House of Representatives for concurrence,

Was read in part,

When on motion of Mr. Colby—

The Senate adjourned.

AFTERNOON.

The Senate resumed the examination of Title XXI, of the bill entitled, "Revised Statutes of the State of New Hampshire," And completed reading the same.

Said bill was read a second time by its title.

Ordered, That it be referred to the committee on the Judiciary.

Mr. Straw, from the joint select committee appointed to wait on His Excellency the Governor, and inform him of the election of Hon. Charles G. Atherton as a Senator from this State, to the Congress of the United States, for six years from and after the third day of March next, reported that they had attended to the duty assigned them.

On motion of Mr. Perley—

The Senate resumed the consideration of Title XIV, of the bill entitled, "Revised Statutes of the State of New Hampshire."

On motion of Mr. Brown—

The amendment proposed by the committee, adding five new sections to chapter 7th of said Title,

Was laid on the table.

On motion of Mr. Warner—

Said Title was laid on the table.

Mr. Colby, from the standing committee on Incorporations, to whom was referred the bill, entitled "An act to incorporate the Derry Mutual Fire Insurance Company," reported the same without amendment.

Mr. Treadwell moved, that the further consideration of said bill be indefinitely postponed.

On the question being put,

Shall the further consideration of the bill be indefinitely postponed?

It was decided in the affirmative.

So the bill was indefinitely postponed.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Hale, from the standing committee on Claims, to whom was referred the resolution in favor of Ephraim Cross, reported the same without amendment.

On the question being put,

Shall said resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow morning at ten o'clock.

On motion of Mr. Warner—

The Senate resumed the consideration of Title XI of the bill entitled, "Revised Statutes of the State of New Hampshire."

Mr. Brown moved to amend one of the amendments reported by the committee.

On the question being put,

Shall said amendment to the amendment be adopted?

It was decided in the affirmative.

So the amendment to the amendment was adopted.

On the question, shall the amendment as amended be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Warner offered a further amendment to said Title.

Mr. Brown offered an amendment to the amendment proposed by Mr. Warner, which was accepted by the mover.

On the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Colby offered an amendment as a substitute for the amendment proposed by the committee,

And the question being put,

Shall the amendment substituted for said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Treadwell offered a further amendment to said Title;

And on the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Brown offered a further amendment to said Title;

And on the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Brown moved that said Title be laid upon the table,

But before the question was taken,

Mr. Brown withdrew his motion.

Mr. Colby offered a further amendment to said Title;

But before the question was taken,

On motion of Mr. M'Daniel—

Said title was laid on the table.

On motion of Mr. Treadwell—

The Senate adjourned.

SATURDAY, NOVEMBER 26, 1842.

The Senate proceeded to the order of the day on the resolution in favor of Ephraim Cross,

Which was read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred Title XXV of the bill entitled "Revised Statutes of the State of New Hampshire," reported the same with five several amendments,

Which were severally adopted.

On the question,

Shall said title be read a third time?

It was decided in the affirmative.

So said Title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. McDaniel—

Resolved, That when the Senate adjourn this forenoon, it be to meet again on Monday next, at three o'clock in the afternoon.

On motion of Mr. Colby—

The Senate resumed the consideration of Title XI, of the bill entitled, "Revised Statutes of the State of New Hampshire,"

Mr. Colby proposed an amendment to said title,

And on the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Colby proposed a further amendment to said Title;

And on the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On motion of Mr. Treadwell—

The Senate resumed the consideration of the amendments proposed by the committee, to whom was referred Title XI, of the bill entitled, "Revised Statutes of the State of New Hampshire," consisting of five new sections.

Mr. Brown offered an amendment to said amendment;

And on the question being put,

Shall the amendment to the amendment be adopted?

It was decided in the affirmative.

So the amendment to the amendment was adopted.

On the question,

Shall the amendment as amended be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Treadwell offered a further amendment to said title;

And on the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Treadwell offered two further amendments to said Title;

And on the question,

Shall said amendments be adopted?

It was decided in the affirmative.

So the amendments were adopted.

On the question,

Shall said title XI be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in their amendment to the bill, entitled "An act to unite a part of school district Nos. 1, 2 and 3, in the town of Chichester, and a part of school district No. 2, in the town of Epsom."

The House non-concur with the Honorable Senate in the adoption of their amendment to section 11, chapter 136, of Title XV of the bill, entitled "Revised Statutes of the State of New Hampshire."

The House concur with the Honorable Senate in the adoption of the remaining amendments proposed by the Senate, with an

amendment to the ninth of said amendments, in which they ask the concurrence of the Senate."

On motion of Mr. Hatch—

The Senate adjourned.

MONDAY, NOVEMBER 28, 1842.

On motion—

Resolved, That the Senate concur with the House of Representatives in their amendment to the amendment of the Senate to Title XV of the bill entitled, "Revised Statutes of the State of New Hampshire."

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Brown—

Resolved, That the Senate recede from their amendment to Title XV of the bill entitled, "Revised Statutes of the State of New Hampshire."

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Hatch, from the standing committee on Agriculture and Manufactures, to whom was referred Title XIII of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same without amendment.

Mr. Treadwell offered an amendment to said title,

And the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question, shall said title be read a third time?

It was decided in the affirmative.

So the bill was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from His Excellency the Governor, by the Deputy Secretary of State:

"To the Senate and House of Representatives:

The Honorable Nathaniel G. Upham has tendered his resigna-

tion of his office, as an associate Justice of the Superior Court, to take effect on the first day of December next.

It will be recollectcd that a resolution has been passed by the House of Representatives, providing (among other things) that whenever the number of the Justices of our Superior Court shall be reduced to three, it shall thereafter be limited to that number. That resolution, I learn, was by order of the House, referred to a select committee, with instructions to report a bill embracing its provisions.

Under the existing circumstances, it seems to me, that it would be improper in the Executive to make a new appointment to fill the vacancy which will be occasioned by the resignation of Judge Upham, until the Legislature shall act upon the subject matter of the resolutions to which I have alluded; and yet it is to be feared, that without such an appointment the coming law terms for the counties of Rockingham and Strafford may not be holden, as our Chief Justice, by reason of his indisposition, will be unable to attend at either of those terms. To prevent any such occurrence, I would recommend that the Legislature should immediately provide by law, that two justices of our Superior Court shall constitute a quorum for the transaction of business in said Court, until otherwise directed.

HENRY HUBBARD.

Council chamber,
November 28, 1842. }

The foregoing message was read,
And on motion of Mr. Treadwell—
Ordered, That it be referred to the committee on the Judiciary.

Mr. Brown, from the committee on the Judiciary, to whom was referred the message of His Excellency the Governor, relative to the resignation of Hon. N. G. Upham as one of the associate Justices of the Superior Court, reported a bill, entitled "An act to provide that two Justices of the Superior Court may constitute a quorum."

Said bill was read a first time.

On motion of Mr. Brown—

It was recommitted to the committee on the Judiciary.

Mr. Brown, from the standing committee on the Judiciary, to whom was recommitted the bill, entitled "An act to provide that two justices of the Superior Court may constitute a quorum," reported the same in a new draft.

Said bill was read a first and second time.

On motion of Mr. Hatch—

Resolved, That the rules of the Senate be so far suspended as to dispense with the commitment of said bill.

On motion of Mr. Brown—

Resolved, That the rules of the Senate be so far suspended, that said bill be read a third time, at the present time.

Said bill was accordingly read a third time.

Resolved, That it pass and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Straw—

The Senate adjourned.

TUESDAY, NOVEMBER 29, 1842.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred the resolution directing the Secretary of State to furnish the town of Pittsburg with the statutes, reports and a map of this State, reported the same without amendment.

On the question, shall said resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time this afternoon at three o'clock.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred Title VII of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same with thirteen several amendments.

Which were severally adopted.

On motion of Mr. Brown—

Said title was laid on the table.

On motion of Mr. Treadwell—

The Senate adjourned.

AFTERNOON.

The Senate resumed the consideration of ,Title VII of the bill entitled, 'Revised Statutes of the State of New Hampshire.'

On the question, shall said bill be read a third time?

It was decided in the affirmative.

So the bill was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the order of the day on the resolution, directing the Secretary of State to furnish the town of Pittsburg with the statutes, reports, and a map of this State,

Which was read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Batcheller, from the select committee, to whom was referred the message of His Excellency the Governor, relating to the proceeds of the sales of the public lands, made a minority report, accompanied by the following

RESOLUTIONS:

Resolved by the Senate and House of Representatives in General Court convened, That the management and disposal of property belonging to the United States, belong exclusively to the general government. All laws made by the Congress of the United States, and which receive the sanction of the Executive are in the language of the constitution the "supreme law of the land," and cannot be disregarded, abrogated, or annulled, except by a decision of the Supreme Court of the United States, to whom alone the constitution has assigned the power of deciding on the constitutionality of laws passed by the general government.

Resolved, That as Congress have uniformly claimed and exercised the power of disposing of portions of the public lands to individuals and to individual states, while a great majority of the states have never received any such special grants, and yet have in no legal manner made any complaint or uttered any disapprobation in regard to such grants—it seems inconsistent to censure, condemn and nullify the act of Sept. 4th, 1841, distributing equally and impartially to all the states, a mere fraction of the proceeds of the sales of public lands.

Resolved, That it is the duty of New Hampshire to act and harmonize with her sister states in this particular instance. And as the executive and legislative departments of New Hampshire have been legally notified that the sum of nine thousand nine hundred and fifty-five dollars and fourteen cents, is now ready to be

paid over to them, this sum has in fact become identified with, and virtually constitutes part of the *resources* of the State; and it is their duty to receive, guard, preserve and dispose of it for the benefit of the people of New Hampshire.

Said report and resolutions were read, and

On motion of Mr. Colby—

Laid upon the table.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Senate in their amendments to Titles XIII and XXV of the bill entitled, "Revised Statutes of the State of New Hampshire."

The House concur with Senate in the passage of the bill, entitled "An act to provide that two justices of the Superior Court may constitute a quorum," with an amendment; in which they ask the concurrence of the Honorable Senate."

On motion of Mr. Brown—

The Senate proceed the consideration of the bill, sent up from the House of Representatives, with an amendment, entitled "An act to provide that two justices of the Superior Court may constitute a quorum."

On motion of Mr. Brown—

Said bill was laid on the table.

On motion of Mr. Brown—

The Senate resumed the further consideration of said bill.

On motion of Mr. Brown—

Resolved, That the Senate concur with the House of Representatives in the adoption of their amendment to said bill.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Colby, from the joint standing committee on Engrossed Bills, reported that they had carefully examined and find correctly engrossed, the following bill and resolution:

"An act to unite parts of school districts Nos. 1, 2 and 3, in the town of Chichester, and a part of school district No. 2 in the town of Epsom;"

"A resolution in favor of Ephraim Cross."

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bill and resolution, reported as correctly engrossed by the committee on Engrossed Bills, and their clerk was directed to lay them before the Senate for the signature of their President.

Thereupon the President of the Senate signed said bill and resolution, and the same were delivered to the committee on Engrossed Bills, to be laid before the Governor for his approval and signature.

Mr. Colby, from the committee on Engrossed Bills, reported that they had presented the aforesaid bill and resolutions, by them reported as correctly engrossed, to His Excellency the Governor, for his approval and signature.

On motion of Mr. Colby—

The Senate adjourned.

WEDNESDAY, NOVEMBER 30, 1842.

On motion of Mr. McDaniel—

Resolved, That the Senate take a recess until half past eleven o'clock.

HALF PAST ELEVEN O'CLOCK.

A message from His Excellency the Governor, by the Deputy Secretary of State :

"To the Senate and House of Representatives:

The documents referred to in the accompanying message, from the Secretary of State of the United States, have been received and at are the disposal of the Legislature.

HENRY HUBBARD.

Council chamber, }
November 30, 1842. }

Said message and accompanying letter from the Secretary of State of the United States, were read.

And on motion of Mr. M'Daniel—

Laid upon the table.

On motion of Mr. Straw—

The Senate adjourned.

AFTERNOON.

Mr. Perley, from the standing committee on Engrossed Bills, reported, that they had carefully examined, and find correctly engrossed, the following bill and resolution, to wit:

An act to provide that two Justices of the Superior court may constitute a quorum;"

"A resolution furnishing the town of Pittsburg with the statutes, reports, and a map of this State."

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bill and resolution, reported as correctly engrossed by the committee on Engrossed Bills, and their Clerk was directed to lay them before the Senate for the signature of their President.

Thereupon the President of the Senate signed said bill and resolution, and the same were delivered to the committee on Engrossed Bills, to be laid before the Governor for his approval and signature.

Mr. Colby, from the standing committee on Engrossed Bills, reported that they had presented the aforesaid bill and resolution, reported by them as correctly engrossed, to His Excellency the Governor, for his approval and signature.

Mr. M'Daniel, from the standing committee on Military Affairs, to whom was referred Title XIV of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same without amendment.

Mr. Warner offered an amendment to said title,

And on the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Treadwell offered a further amendment to said title,

And on the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question, shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Hale moved that the Senate now adjourn,

But before the question was taken,
Mr. Hale withdrew his motion.

Mr. Treadwell moved to reconsider the vote, passing to a third reading Title XIV of the bill entitled, "Revised Statutes of the State of New Hampshire."

On the question being put,
Shall said vote be re-considered?

It was decided in the affirmative.

So the vote passing said title to a third reading was reconsidered.

Mr. Treadwell moved a further amendment to said title,

And on the question being put,
Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Perley offered a further amendment to said title,
But before the question was taken,

Mr. Perley moved that said title be laid on the table.

On the question being put,

Shall the title be laid on the table?

It was decided in the negative.

So the motion to lay said title on the table did not prevail.

The question recurring,

Shall said amendment be adopted?

It was decided in the negative.

So the amendment was rejected.

On the question being put,

Shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Treadwell—

The Senate adjourned.

THURSDAY, DECEMBER 1, 1842.

A message from the House of Representatives by their Clerk;

Mr. President—The House of Representatives have passed bills with the following titles, to wit:

"An act to constitute the town of Bennington;"

"An act to sever certain lots of land from the township of Kilkenny, in the County of Coos, and annex the same to the town of Jefferson, in said county;" in which they ask the concurrence of the Honorable Senate."

The foregoing bill, sent up from the House of Representatives for concurrence, entitled, "An act to constitute the town of Bennington,"

Was read a first and second time.

Ordered, That it be referred to the committee on Incorporations.

The foregoing bill, sent up from the House of Representatives for concurrence, entitled "An act to sever certain lots of land from the township of Kilkenny, in the county of Coos, and annex the same to the town of Jefferson, in said county,"

Was read a first and second time.

Ordered, That it be referred to the committee on Incorporations.

On motion of Mr. Hatch—

The Senate adjourned.

AFTERNOON.

Mr. M'Daniel, from the standing committee on Unfinished Business, to whom was referred the bill entitled, "An act to incorporate the President, Directors and Company of the Sullivan County Bank," made a report,

Whereupon—

Resolved, That said bill be referred to the committee on Banks.

Mr. Hale, from the standing committee on Unfinished Business, to whom was referred the message of His Excellency the Governor, and accompanying documents, relative to the franking privilege and rates of postage, postponed from the June session of 1842 to the present, made a report,

Whereupon—

Resolved, That said message and accompanying documents be referred to a select committee.

Ordered, That Messrs. Treadwell, Batcheller and Hale constitute said committee.

Mr. Batcheller, from the standing committee on Unfinished Business, to whom was referred the bill entitled, "An act in relation to Corporations," postponed from the June session of the Legislature, 1842, to the present session, made a report,

Whereupon—

Resolved, That said bill be referred to the standing committee on Incorporations.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in the adoption of their amendments to Title VII of the bill entitled, "Revised Statutes of the State of New Hampshire," with the exception of the seventh of said amendments, being the amendment to the second section of the 33d chapter of said title, in the adoption of which the House do not concur.

The House have passed to a third reading Title XIX of the bill entitled, "Revised Statutes of the State of New Hampshire," in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of Title VII, of the bill, entitled "Revised Statutes of the State of New Hampshire," sent up from the House of Representatives.

On motion of Mr. Warner—

Resolved, That the Senate recede from their amendment to the second section of the 33d chapter of said title.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the consideration of Title XIX of the bill entitled, "Revised Statutes of the State of New Hampshire," sent up from the House of Representatives for concurrence.

Which was read a first and second time.

Ordered, That it be referred to the committee on the Judiciary.

On motion of Mr. Perley—

The Senate adjourned.

FRIDAY, DECEMBER 2, 1842.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed

to a third reading Title XVI of the bill entitled, 'Revised Statutes of the State of New Hampshire ;' in which they ask the concurrence of the Honorable Senate."

On motion of Mr. Treadwell—

The Senate resumed the consideration of the report and resolutions made by a majority of the committee to whom the subject was referred, relative to the distribution of the proceeds of the sales of the public lands among the States, agreeably to an act of Congress passed September 4, 1841.

The question being on the passage of said resolutions,

Mr. Batcheller demanded the yeas and nays.

But before proceeding to their call,

On motion of Mr. M'Daniel—

The resolutions were laid on the table, and made the special order of the day on Tuesday next at eleven o'clock in the forenoon.

The Senate proceeded to the consideration of Title XVI, of the bill entitled, "Revised Statutes of the State of New Hampshire;" sent up from the House of Representatives for concurrence.

Which was read a first and second time.

Ordered, That it be referred to the committee on Agriculture and Manufactures.

On motion of Mr. Batcheller—

The Senate adjourned.

AFTERNOON.

Mr. Treadwell, from the standing committee on Incorporations, to whom was referred the bill entitled, "An act to sever certain lots of land from the township of Kilkenny, in the county of Coos, and annex the same to the town of Jefferson, in sa.d County," reported the same with the following amendment :

SEC. 2. Of every thousand dollars of the public taxes hereafter to be raised, the proportion of the town of Jefferson shall be one dollar and thirteen cents, (.13) and the proportion of the township of Kilkenny shall be three cents, (.03) and for which the Treasurer of the State is hereby authorized to issue his warrants accordingly.

On the question being put,

Shall the amendment be adopted ?
It was decided in the affirmative.
So the amendment was adopted.
On the question,
Shall said bill be read a third time ?
It was decided in the affirmative.
Ordered, That it be read a third time to-morrow morning at ten o'clock.

Mr. McDaniel, from the joint select committee, to whom was referred the resolution fixing on a day when the present session of the legislature may be brought to a close, reported the following resolution :

Resolved by the Senate and House of Representatives in General Court convened, That the business of the present session be brought to a close on Thursday, the 15th day of December instant.

Said resolution was read,

And on motion of Mr. Brown—

Laid on the table.

On motion of Mr. McDaniel—

The Senate adjourned.

SATURDAY, DECEMBER 3, 1842.

The Senate proceeded to the order of the day on the bill entitled, "An act to sever certain lots of land from the township of Kilkenny, in the county of Coos, and annex the same to the town of Jefferson, in said County."

Which was read a third time.

Resolved, That it pass, and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Hatch—

Resolved, That the Senate now take a recess until eleven o'clock, A. M.

ELEVEN O'CLOCK, A. M.

Mr. McDaniel, from the standing committee on the Judiciary, to whom was referred Title II of the bill entitled, "Revised Stat-

utes of the State of New Hampshire," reported the same with three several amendments.

And on the question being put,
Shall said amendments be adopted?

It was decided in the affirmative.

So the amendments were adopted.

Mr. Treadwell offered a further amendment to said title.

Mr. Warner moved that said title be laid on the table,

But before the question was taken,

Mr. Warner withdrew his motion.

The question recurring upon the adoption of Mr. Treadwell's amendment,

On the question being put, ~~TAKEN~~
Shall said amendment be adopted?

It was decided in the negative.

So the amendment was rejected.

On the question,

Shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Hatch, from the standing committee on Agriculture and Manufactures, to whom was referred XVI of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same without amendment.

On the question, shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from His Excellency the Governor, by the Deputy Secretary of State:

"*To the Senate and House of Representatives:*

I herewith transmit a copy of the proceedings of the Legislature of Vermont in relation to the "franking privilege and postage," sanctioned by the Post Office law of the United States, for your consideration.

HENRY HUBBARD.

Council Chamber, Dec. 3, 1842."

Said message was read, and

On motion of Mr. Treadwell—

Ordered, That it be referred to the committee having the same subject under consideration.

On motion of Mr. M'Daniel—

Resolved, That when the Senate adjourn this forenoon, it be to meet again on Monday next, at three o'clock in the afternoon.

On motion of Mr. Colby—

The Senate adjourned.

MONDAY, DECEMBER 5, 1842.

AFTERNOON.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in their amendment to Title II of the bill, entitled, "Revised Statutes of the State of New Hampshire;"

The House concur in the amendment of the Honorable Senate to the bill entitled, "An act to sever certain lots of land from the town of Kilkenny in the county of Coos, and annex the same to the town of Jefferson in said county."

The House have passed to a third reading Title XXII of the bill entitled, "Revised Statutes of the State of New Hampshire," in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of Title XXII, of the bill entitled, "Revised Statutes of the State of New Hampshire," sent up from the House of Representatives, for concurrence,

Which was read a first and second time.

Ordered, That it be referred to the committee on the Judiciary.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives recede from their amendment to the amendment of the Honorable Senate, to Title XXVIII of the bill entitled, "Revised Statutes of the State of New Hampshire."

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in the adoption of all the amendments made by the Senate to Title XI of the bill entitled, "Revised Statutes of the State of New Hampshire," with an amendment to one of said amendments, numbered six, in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the amendment made by the House of Representatives to the amendment of the Senate to Title XI of the bill entitled, "Revised Statutes of the State of New Hampshire."

On motion of Mr. Smith—

Resolved, That the Senate concur with the House of Representatives in the adoption of their amendment to said amendment of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. M'Daniel—

The Senate adjourned.

TUESDAY, DECEMBER 6, 1842.

Mr. Brown gave notice that he will on to-morrow or on some future day, ask leave to introduce a bill entitled, "An act relating to the levy of executions."

On motion of Mr. McDaniel—

The Senate proceeded to the special order of the day on the report and resolutions, made by Mr. Treadwell, from the committee, to whom was referred the message of His Excellency the Governor, relative to the distribution of the proceeds of the sales of the public lands among the states, agreeably to an act of Congress passed September 4, 1841."

Mr. Colby offered an amendment to said resolutions as follows: after the words "United States" in the eighth line of the first resolution, insert the following words, "while the same is necessary to defray the expenses of the general government."

On the question, shall said amendment be adopted?

Mr. Warner demanded the yeas and nays.

Mr. Batcheller requested to be excused from voting upon the question.

And on the question being put,
Shall he be excused from voting upon said amendment?
It was decided in the affirmative.

The question recurring upon the adoption of said amendment?
Those who voted in the affirmative are Messrs. Colby and Perley.

Those who voted in the negative were Messrs. Treadwell, Hatch, Hale, McDaniel, Brown, Straw, Smith, Quincy and Warner.

Yea 2. Nays 9.

So the amendment was rejected.

The question recurring upon the passage of said resolutions.
Mr. Perley demanded the yeas and nays.

Those who voted in the affirmative were Messrs. Treadwell, Hatch, Hale, McDaniel, Perley, Brown, Straw, Smith, Quincy and Warner.

Those who voted in the negative were Messrs. Colby and Batcheller.

Yea 10. Nays 2.

So the affirmative of the question prevailed and the resolution passed.

Mr. Perley offered an amendment to the second resolution as follows, strike out all after the word "Resolved," and insert the following, "that the Treasurer of this State be and hereby is authorized to receive the said sum of nine thousand nine hundred and fifty-five dollars and fourteen cents from the treasury of the United States, and place the same in the treasury of this State, and to be appropriated for the expenses of the State when necessary."

On the question being put,

Shall said amendment be adopted?

Mr. Perley demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Colby, Perley and Batcheller.

Those who voted in the negative are,

Messrs. Treadwell, Hatch, Hale, M'Daniel, Brown, Straw, Smith, Quincy and Warner.

Yea 3, nays 9.

So the negative of the question prevailed, and the amendment was rejected.

Mr. Colby offered the following amendment to said resolution:
Strike out all after the word *Resolved*, and insert the following:

"That all the right which the State of New Hampshire has in that portion of the proceeds of the sales of the public lands assigned to said State by the act of Congress of September 4, 1841,

entitled, "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," is hereby assigned to the Asylum for the Insane established at Concord, in said State, and the trustees of said Asylum are hereby authorized to receive the same, and to appropriate it in such manner as shall, in the opinion of said trustees, be best calculated to promote the benevolent objects of said institution."

On the question being put,

Shall said amendment be adopted?

The yeas and nays were demanded.

Those who voted in the affirmative are:

Messrs. Colby, Perley and Batcheller.

Those who voted in the negative are,

Messrs. Treadwell, Hatch, Hale, M'Daniel, Brown, Straw, Smith, Quincy and Warner.

Yea 3, nays 9.

So the negative of the question prevailed, and the amendment was rejected.

On the question,

Shall the second of said resolutions be adopted?

Mr. Batcheller demanded the yeas and nays.

Those who voted in the affirmative are,

Messrs. Treadwell, Hatch, Hale, M'Daniel, Brown, Straw, Smith, Quincy and Warner.

Those who voted in the negative are,

Messrs. Colby, Perley and Batcheller.

Yea 9, nays 3.

So the affirmative of the question prevailed, and the resolution passed.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Perley, from the joint standing committee on Engrossed Bills, reported, that they had carefully examined, and find correctly engrossed, the following bill:

"An act to sever certain lots of land from the town of Kilkenney, in the county of Coos, and annex the same to the town of Jefferson, in said county."

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bill, reported as correctly engrossed by the committee on Engrossed Bills, and their clerk was directed to lay them before the Senate for the signature of their President.

Thereupon the President of the Senate signed said bill, and the

same was delivered to the committee on Engrossed Bills, to be laid before the Governor for his approval and signature.

Mr. Colby, from the joint standing committee on Engrossed Bills, reported that they had presented the aforesaid bill, by them reported as correctly engrossed, to His Excellency the Governor, for his approval and signature.

On motion of Mr. Batcheller—

The Senate adjourned.

AFTERNOON.

A message from the House of Representatives by their Clerk:

“Mr. President—The House of Representatives concur with the Hon. Senate in the adoption of all the amendments made by the Senate to Title XVIII of the bill entitled, “Revised Statutes of the State of New Hampshire.” with the exception of those of said amendments numbered “one,” “seven” and “nine,” in the adoption of which the House do not concur:

The House have passed to a third reading Title XXIV of the bill entitled, “Revised Statutes of the State of New Hampshire,” in which they ask the concurrence of the Honorable Senate.”

The Senate proceeded to the consideration of the amendments to Title XVIII, of the bill entitled, “Revised Statutes of the State of New Hampshire.” sent up from the House of Representatives for concurrence.

Mr. Treadwell moved that the Senate insist upon their “first” amendment to the foregoing title,

But before the question was taken,

Mr. Treadwell withdrew his motion.

On motion of Mr. Colby—

Resolved, That the Senate recede from their amendment numbered “one,” to the foregoing title.

Mr. Hatch moved that the Senate recede from their amendment numbered “seven,” to the foregoing title.

On the question being put,

Shall the Senate recede from said amendment?

It was decided in the negative.

So the Senate refused to recede from said amendment.

Mr. M'Daniel moved that the Senate insist upon their amendment numbered "seven," made to the foregoing title.

On the question being put,

Shall the Senate *insist* upon said amendment?

It was decided in the affirmative.

So the Senate *insisted* upon said amendment.

On motion of Mr. Perley—

Resolved, That the Senate *insist* upon the amendment made by the Senate to the foregoing title, numbered "nine."

The Senate proceeded to the consideretion of Title XXIV of the bill entitled, "Revised Statutes of the State of New Hampshire," but before its examination was concluded,

On motion of Mr. Brown—

The Senate adjourned.

WEDNESDAY, DECEMBER 7, 1842.

The Senate resumed the examination of Title XXIV of the bill entitled, "Revised Statutes of the State of New Hampshire," which was read a first and second time.

Ordered, That it be referred to the committee on the Judiciary.

Pursuant to previous notice, and by leave of the Senate given for that purpose,

Mr. Brown introduced a bill entitled, "An act relating to the levy of executions,"

which was read a first and second time.

On motion of Mr. Brown—

Resolved, That the rules of the Senate be so far suspended as to dispense with the commitment of said bill.

On the question, shall the bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time this afternoon at three o'clock.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed to a third reading Titles XX and XXIII of the bill entitled, "Revised Statutes of the State of New Hampshire; in which they ask the concurence of the Honorable Senate."

The Senate proceeded to the consideration of the foregoing bill entitled Title XX of the bill entitled, "Revised Statutes of the State of New Hampshire," sent up from the House of Representatives for concurrence.

Which was read a first and second time.

On motion of Mr. Smith—

Ordered, That said title lie on the table.

The Senate proceeded to the consideration of the foregoing bill entitled, Title XXIII of the bill entitled, "Revised Statutes of the State of New Hampshire," sent up from the House of Representatives for concurrence.

Which was read a first and second time.

Ordered, That it be referred to the committee on the Judiciary.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives recede from their disagreement with the Honorable Senate in their amendment to section 3, chapter 151 of Title XXVIII of the bill entitled, "Revised Statutes of the State of New Hampshire," and concur with the Senate in the adoption of said amendment with an amendment, in which they ask the concurrence of the Honorable Senate.

The House also recede from their disagreement with the Honorable Senate in their amendment to section 11, chapter 153 of said title."

The Senate proceeded to the consideration of the amendments to Title XVIII, of the bill entitled, "Revised Statutes of the State of New Hampshire," sent up from the House of Representatives.

On motion of Mr. Brown—

Resolved, That the Senate concur with the House of Representatives in the adoption of their amendment to the amendment of the Senate to Title XVIII, chap. 151, and sec. 3 of the bill entitled, "Revised Statutes of the State of New Hampshire."

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Hatch—

The Senate adjourned.

AFTERNOON.

The Senate proceeded to the order of the day on the bill, entitled "An act relating to the levy of executions,"

Which was read a third time.

Resolved, That it pass and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Smith—

The Senate resumed the consideration of Title XX of the bill entitled, "Revised Statutes of the State of New Hampshire,"

Ordered, That it be referred to the committee on the Judiciary.

Mr. Smith submitted the following resolution :

Resolved, That the committee on the Judiciary be instructed to inquire, first, whether the public interest imperiously demands a reorganization, at the present time of our judiciary system; secondly, whether the system as now constituted in this State, is not more compatible with the present state of public feeling, and will better subserve the interests of all concerned, than any new organization, *and if so*, that they be instructed to provide, should they deem it necessary, for the addition of one or more judge or judges to the Superior Court, in Title XX, embracing that subject and report to the Senate by bill or otherwise.

Said resolution was read, and

On motion of Mr. Colby—

Laid upon the table.

On motion of Mr. Brown—

The Senate adjourned.

THURSDAY, DECEMBER 8, 1842.

MONDAY

On motion of Mr. Smith—

The Senate resumed the consideration of the resolution offered yesterday by him, relative to the judiciary system.

Mr. Smith offered the following amendment to said resolution:

Strike out all after the word "Resolved," and insert the following:

"That the committee on the Judiciary be instructed to report such amendments to Title XX, as will provide for the addition of

one or more justices to the Superior Court of Judicature, and strike out from said title, the provisions relative to the establishment of a Circuit Court of Common Pleas."

On the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Treadwell moved that the vote adopting said amendment be reconsidered.

But before the question was taken,

Mr. Treadwell withdrew his motion.

[Mr. Colby was called to the chair.]

On the question, shall the resolution as amended pass?

Mr. Quincy demanded the yeas and nays.

But before proceeding to their call,

On motion of Mr. Brown—

The resolution was laid on the table.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed to a third reading Title VI of the bill entitled, "Revised Statutes of the State of New Hampshire".

The House have passed a bill entitled, "An act to sever a tract of land from the town of Kilkenny, in the county of Coos, and annex the same to the town of Lancaster;" in which they ask the concurrence of the Honorable Senate."

On motion of Mr. Batcheller—

The Senate adjourned.

AFTERNOON.

The Senate proceeded to the consideration of the foregoing bill entitled, "An act to sever a tract of land from the town of Kilkenny, in the county of Coos, and annex the same to the town of Lancaster," sent up from the House of Representatives for concurrence.

Which was read a first and second time.

Ordered, That it be referred to the committee on Incorporations.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred Title XXI, of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same with twenty-six several amendments.

On the question being put,

Shall the *first* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *second* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *third* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *fourth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *fifth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *sixth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *seventh* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *eighth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *ninth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *tenth* of said amendments be adopted?

It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *eleventh* of said amendments be adopted?

It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *twelfth* of said amendments be adopted?

It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *thirteenth* of said amendments be adopted?

It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *fourteenth* of said amendments be adopted?

It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *fifteenth* of said amendments be adopted?

It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *sixteenth* of said amendments be adopted?

It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *seventeenth* of said amendments be adopted?

It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *eighteenth* of said amendments be adopted?

It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *nineteenth* of said amendments be adopted?

It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *twentieth* of said amendments be adopted?

It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *twenty-first* of said amendments be adopted?

It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *twenty-second* of said amendments be adopted?

It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *twenty-third* of said amendments be adopted?
It was decided in the affirmative.

So the amendment was adopted?
On the question being put,

Shall the *twenty-fourth* of said amendments be adopted?
It was decided in the affirmative.

So the amendment was adopted?
On the question being put,

Shall the *twenty-fifth* of said amendments be adopted?
It was decided in the affirmative.

So the amendment was adopted?
On the question being put,

Shall the *twenty-sixth* of said amendments be adopted?
It was decided in the affirmative.

So the amendment was adopted?
On the question being put,

Shall the *twenty-seventh* of said amendments be adopted?
It was decided in the affirmative.

So the amendment was adopted?
Mr. McDaniel offered the following amendment to said title,

to wit :—
In chapter 187 section 2, strike out all after the word "execution" in the second line, and insert the following—

"I. The wearing apparel necessary for the use of the debtor and his family;

II. Two comfortable beds, bedsteads and bedding necessary for the same;

III. Household furniture to the value of twenty dollars;

IV. The bibles and school books in use in the family;

V. One cow and one ton of hay;

VI. One hog and one pig not over six months old;

VII. Tools of his occupation to the value of twenty dollars, if the debtor is a farmer or mechanic;

VIII. Six sheep and the fleeces of the same;

IX. One cooking stove and the necessary furniture belonging to the same;

X. The uniform, arms and equipments of every officer and private in the militia;

XI. The debtor's interest in one pew in any meeting house in which he or his family usually worship;

XII. The debtor's interest in one lot or right of burial in any cemetery."

On the question, shall said amendment be adopted?

Mr. Warner demanded the yeas and nays.

Those who voted in the affirmative were Messrs. Treadwell, Hatch, Colby, Hale, McDaniel, Perley, Brown and Smith.

Those who voted in the negative were Messrs. Straw, Batcheller, Quincy and Warner.

Yea 8. Nays 4.

So the affirmative of the question prevailed, and the amendment was adopted.

On the question, shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

Mr. President—The House of Representatives concur with the Honorable Senate in the passage of a bill entitled "An act relating to the levy of executions."

Mr. McDaniel moved that when the Senate adjourn, it be to meet again to-morrow morning at nine o'clock, A. M.

But before the question was taken,

Mr. McDaniel withdrew his motion.

Said title was laid on the table.

On motion of Mr. Treadwell—

The Senate adjourned.

FRIDAY, DECEMBER 9, 1842.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred Title XXII of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same with eight several amendments.

On the question being put,

Shall the first of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *second* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *third* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *fourth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *fifth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *sixth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *seventh* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *eighth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question, shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred Title XXIII of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same with six several amendments.

On the question being put,

Shall the *first* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *second* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,
Shall the *third* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *fourth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *fifth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *sixth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question, shall said title be read a third time?
It was decided in the affirmative.
So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the consideration of Title VI of the bill entitled, "Revised Statutes of the State of New Hampshire;" sent up from the House of Representatives for concurrence.

Which was read a first and second time.

Ordered, That it be referred to the committee on Elections.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed to a third reading Title XXVII of the bill entitled, 'Revised Statutes of the State of New Hampshire;' in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the foregoing bill entitled Title XXVII of the bill entitled, "Revised Statutes of the State of New Hampshire."

Which was read a first and second time.

Ordered, That it be referred to the committee on the Judiciary.

Mr. Treadwell, from the standing committee on Incorporations, to whom was referred the bill entitled "An act to sever a tract of land from the town of Kilkenny, in the county of Coos, and an-

nex the same to the town of Lancaster," reported the same with the following amendments:

"SECTION 2. Of every thousand dollars of the public taxes hereafter to be raised, the proportion which the town of Lancaster shall pay, shall be three dollars and ninety-six cents, (3.96) and for which the Treasurer of this State is hereby authorized to issue his warrant.

SECTION 3. So much of the act establishing a new proportion for the assessment of the public taxes, approved, Dec. 22, 1840, as relates to the town of Kilkenny, in the county of Coos, is hereby repealed."

On the question being put,

Shall said amendments be adopted?

It was decided in the affirmative.

So the amendments were adopted.

On the question, shall said bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time this afternoon at three o'clock.

Mr. Perley, from the joint standing committee of Engrossed Bills, reported that they had carefully examined and found correctly engrossed, the following bill:

"An act relating to the levy of executions."

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bill reported as correctly engrossed by the committee on Engrossed Bills, and their Clerk was directed to lay it before the Senate for the signature of their President.

Thereupon the President of the Senate signed said bill and the same was delivered to the committee on Engrossed Bills, to be laid before the Governor, for his approval and signature.

Mr. Colby, from the joint standing committee on Engrossed Bills, reported that they had presented the aforesaid bill, by them reported as correctly engrossed, to His Excellency the Governor, for his approval and signature.

Mr. Treadwell, from the select committee to whom was referred the message of His Excellency the Governor relative to the proceedings of the Legislature of Vermont on the subject of the franking privilege and rates of postage sanctioned by the Post-Office law of the United States, together with the resolutions of the House of Representatives passed at the June session, reported the *resolutions of the House*, with the following amendment:

Strike out all after the word "convened," and insert the following:

" That the present Post office laws relating to the franking privilege ought to be abolished; and that the post masters, members of Congress, and officers of the general government should enjoy no privilege of transmitting by mail, at the public expense, letters or other matters of a private character, and which are uncalled for in the discharge of their official duties.

Resolved, That a reduction on the rates of letter postage, so that it bear some proportion to that imposed upon other matter carried in the public mails, is loudly called for:—that such a reduction would secure a more equal participation in the benefits which may and should be enjoyed by the whole community; and would, it is believed, greatly increase the revenues of the Post Office Department, and thus enable it to increase the facilities now enjoyed by correspondents, consequent upon its establishment.

Resolved, That our Senators in Congress be instructed, and our Representatives requested to use their exertions to procure such a modification or alteration of the existing Post Office laws, as that postmasters, members of Congress, and officers of the general government, shall not enjoy the franking privilege, except in cases relating to their official duties; and also to procure a reduction of the present rates of letter postage.

On motion of Mr. Warner—

Said resolutions was laid on the table.

On motion of Mr. Warner—

The Senate resumed the consideration of the resolutions relative to the franking privilege and rates of postage.

On the question being put,

Shall the amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question,

Shall said resolution pass?

Mr. Warner demanded the yeas and nays;

But before the question was taken,

On motion of Mr. Smith—

The resolutions were laid on the table.

On motion of Mr. Hatch—

The Senate adjourned.

AFTERNOON.

The Senate proceeded to the order of the day on the bill, en-

titled, "An act to sever a lot of land from the town of Kilkenny, in the county of Coos, and annex the same to the town of Lancaster,"

Which was read a third time.

Resolved, That it pass and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Smith—

The Senate resumed the consideration of the resolutions relative to the franking privilege and rates of postage.

The question recurring,

Shall the resolutions pass?

The yeas and nays having been demanded,

Those who voted in the affirmative were,

Messrs. Treadwell, Hatch, Colby, Hale, M'Daniel, Perley, Brown, Straw, Batcheller, Smith, Quincy and Warner.

Yea 12, nays none.

So the affirmative of the question prevailed, and the resolution passed.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. M'Daniel, from the standing committee on Incorporations to whom was referred the bill entitled, "An act to constitute the town of Bennington," reported the same without amendment.

Mr. Brown offered an amendment to said bill.

On the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question,

Shall the bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow morning at ten o'clock.

On motion of Mr. Colby—

The Senate resumed the consideration of the resolution relative to the Judiciary system.

The question recurring,

Shall the resolution pass,

The yeas and nays were demanded by Mr. Perley.

Those who voted in the affirmative were:

Messrs. Colby, Perley, Brown, Batcheller, Smith, Quincy and Warner.

Those who voted in the negative were,

Messrs. Treadwell, Hatch, Hale, M'Daniel and Straw.
Yea 7, nays 5.

So the affirmative of the question prevailed, and the resolution passed.

On motion of Mr. M'Daniel—

The Senate adjourned.

SATURDAY, DECEMBER 10, 1842.

The Senate proceeded to the order of the day on the bill entitled, "An act to constitute the town of Bennington,"

Which was read a third time.

Resolved, That it pass and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred Title XIX of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same with *nineteen* several amendments.

On the question being put,

Shall the *first* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *second* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *third* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *fourth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *fifth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *sixth* of said amendments be adopted?

It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *seventh* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *eighth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *ninth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *tenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *eleventh* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *twelfth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *thirteenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *fourteenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *fifteenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *sixteenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *seventeenth* of said amendments be adopted?
It was decided in the affirmative.

So the amendment was adopted?

On the question being put,

Shall the *eighteenth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *nineteenth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Perley offered a further amendment to said title.

On the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Treadwell offered a further amendment to said title.

And on the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. McDaniel offered a further amendment to said title,

And on the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. McDaniel offered a further amendment to said title.

Mr. Brown offered an amendment to the amendment proposed by Mr. McDaniel,

But before the question was taken,

On motion of Mr. McDaniel—

Said title was laid on the table.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in their amendments to Title XII of the bill entitled, "Revised Statutes of the State of New Hampshire."

The House concur with the Honorable Senate in their amendments to the resolutions, relative to the franking privilege, with amendments, in which they ask the concurrence of the Honorable Senate."

The House concur with the Senate in their amendments to the bill entitled, "An act to constitute the town of Bennington."

The Senate proceeded to the consideration of the amendment

of the House to the amendments of the Senate to the resolutions relative to the franking privilege and rates of postage," sent up from the House of Representatives for concurrence.

On motion of Mr. Perley—

Resolved, That the Senate concur with the House of Representatives in the adoption of said amendment.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Hatch—

Resolved, That when the Senate adjourn this forenoon, it be to meet again on Monday next, at three o'clock in the afternoon.

On motion of Mr. Brown—

The Senate adjourned.

MONDAY, DECEMBER 12, 1842.

AFTERNOON.

On motion of Mr. M'Daniel—

The Senate resumed the consideration of Title XIX, of the bill entitled, "Revised Statutes of the State of New Hampshire,"

The question being upon the adoption of the amendment offered by Mr. McDaniel,

On the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question, shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed bills of the following titles, and the following resolutions to wit:

"An act to change the name of the Strafford Cotton Mill Company."

"An act in relation to the Rockingham Mutual Fire Insurance Company;"

"An act to sever a tract of land from the town of Swansey in the county of Cheshire, and annex the same to the town of Marlborough in said county."

"A resolution making an appropriation for the completion of a gun-house for the 12th regiment;"

"An act to annex Nash and Sawyer's Location in the county of Coos to the town of Carroll in said county; in which they ask the concurrence of the Honorable Senate."

The foregoing bill, sent up from the House of Representatives, entitled, "An act to change the name of the Strafford Cotton Mill Company;"

Was read a first and second time.

Ordered, That it be referred to the committee on Incorporations.

The foregoing bill, sent up from the House of Representatives, entitled, "An act in relation to the Rockingham Mutual Fire Insurance Company;"

Was read a first and second time.

Ordered, That it be referred to the committee on Incorporations.

The foregoing bill, sent up from the House of Representatives, entitled, "An act to sever a tract of land from the town of Swansey in the county of Cheshire, and annex the same to the town of Marlborough in said county."

Was read a first and second time.

Ordered, That it be referred to the committee on Incorporations.

The foregoing resolution, sent up from the House of Representatives, making an appropriation for the completion of a gun-house in the 12th regiment,

Was read a first and second time.

Ordered, That it be referred to the committee on Military Affairs.

The foregoing bill entitled, "An act to annex Nash and Sawyer's location in the county of Coos to the town of Carroll in said county," sent up from the House of Representatives, for concurrence,

Was read a first and second time.

Ordered, That it be referred to the committee on Incorporations.

Mr. Treadwell offered the following resolution:

Resolved by the Senate and House of Representatives in General Court convened, That the Secretary of State be directed to procure the printing of the public acts and resolves, excepting the Revised Statutes, in the Manchester Democrat, a newspaper printed at Manchester in the county of Hillsborough.

Said resolution was read a first and second time.

Ordered, That it be referred to the committee on Printers Accounts.

On motion of Mr. Treadwell—

The Senate adjourned.

TUESDAY, DECEMBER 13, 1842.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred Title XXIV of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same with five several amendments.

On the question being put,

Shall the *first* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *second* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *third* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *fourth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *fifth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question,

Shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred Title XXVII of the bill entitled, "Revised Statutes of the State of New Hampshire;" reported the same with four several amendments.

On the question being put,

Shall the *first* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *second* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *third* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *fourth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question,

Shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Treadwell, from the standing committee on Incorporations, to whom was referred the bill entitled, "An act to change the name of the Strafford Cotton Mill Company," reported the same without amendment.

On the question,

Shall said bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time this afternoon at three o'clock.

Mr. Treadwell, from the standing committee on Incorporations, to whom was referred the bill entitled "An act to sever a tract of land from the town of Swanzey, in the county of Cheshire, and annex [the same to the town of Marlborough, in said county;" reported the same without amendment.

On the question,

Shall said bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time this afternoon at three o'clock.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed a resolution in favor of Danforth Jewell, in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the foregoing resolution, sent up from the House of Representatives, in favor of Danforth Jewell.

Which was read a first and second time.

Ordered, That it be referred to the committee on the Military Affairs.

Mr. Batcheller, from the standing committee on Elections, to whom was referred Title VI of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same with two several amendments.

On the question being put,

Shall the *first* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *second* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Brown offered the following amendment to said title;

Strike out of the 24th chapter the 3d section thereof, which reads as follows:—

"No person shall be considered as dwelling or having his home in any town for the purpose of voting, or being voted for, at any meeting therein, unless he shall have resided within this State six months, and within such town three months, next preceding the day of said meeting."

On the question being put,

Shall said section be stricken out?

The yeas and nays were demanded by Mr. Brown.

Those who voted in the affirmative were Messrs. Brown and Straw.

Those who voted in the negative were Messrs. Treadwell, Hatch, Colby, Hale, McDaniel, Perley, Batcheller, Smith, Quincy and Warner.

Yeaes 2, nays 10.

So the negative of the question prevailed, and the amendment was rejected.

On the question,

Shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. M'Daniel—

The Senate adjourned.

AFTERNOON.

The Senate proceeded to the order of the day on the following bills, to wit:

"An act to change the name of the Strafford Cotton Mill Company."

"An act to sever a tract of land from the town of Swanzey, in the county of Cheshire, and annex the same to the town of Marlborough, in said county."

Which were severally read a third time.

Resolved, That they pass and that their titles be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. M'Daniel, from the standing committee on Military Affairs, to whom was referred a resolution, making an appropriation for the completion of a gunhouse in the 12th regiment, reported the same without amendment.

On the question,

Shall said resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow morning at ten o'clock.

Mr. Treadwell, from the standing committee on Incorporations, to whom was referred the bill entitled, "An act in relation to the Rockingham Mutual Fire Insurance Company;" reported the same without amendment.

On the question, shall said bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow morning at ten o'clock.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in their amendments to Title XIX of the bill entitled, "Revised Statutes of the State of New Hampshire," which are numbered 1, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 19 and 21.

The House non-concur with the Senate in the adoption of their amendments to said title numbered 2 and 22. The House concur with the Senate in the adoption of their amendments to said title numbered 7, 12, 18, 20 and 23, with amendments to the same, in which they ask the concurrence of the Senate.

The House concur with the Senate in the adoption of all the amendments made by the Senate to Titles VI and XXVII of the bill entitled, "Revised Statutes of the State of New Hampshire."

The House non-concur in the adoption of the amendment numbered 1, made by the Senate to title XXIV of the bill entitled "Revised Statutes of the State of New Hampshire," and concur with the Senate in the adoption of the remainder of their amendments to said title numbered 2, 3, 4 and 5."

The Senate proceeded to the consideration of the amendments to Title XIX, of the bill entitled, "Revised Statutes of the State of New Hampshire;" sent up from the House of Representatives for concurrence.

On motion of Mr. Brown—

Resolved, That the Senate recede from their amendment to said title, numbered *twenty-two*.

On motion of Mr. Brown—

Resolved, That the Senate concur with the House of Representatives in the adoption of their amendment to the amendment of the Senate, numbered *seven*.

On motion of Mr. Brown—

Resolved, That the Senate concur with the House of Representatives in the adoption of their amendment to the amendment of the Senate numbered *twelve*.

On motion of Mr. Perley—

Resolved, That the Senate concur with the House of Representatives in the adoption of their amendment to the amendment of the Senate numbered *twenty*.

Mr. M'Daniel offered the following amendment to the amendment of the House, of the Senate's amendment numbered 23.

In chapter 168, section 7, after the words "fuel," in the amendment of the House, insert the following words: "*taken therefrom.*"

On the question being put,

Shall said amendment to the amendment of the House be adopted?

It was decided in the affirmative.

So the amendment to the amendment was adopted.

On the question being put,

Will the Senate concur in the adoption of the amendment of the House numbered *twenty-three* as amended?

It was decided in the affirmative.

So the Senate concurred in said amendment.

On motion of Mr. Brown—

Resolved, That the Senate concur with the House of Representatives in the adoption of their amendment to the amendment of the Senate numbered *eighteen*.

On motion of Mr. Brown—

Said title was laid on the table.

The Senate proceeded to the consideretion of the amendments to Title XXIV of the bill entitled, "Revised Statutes of the State of New Hampshire," sent up from the House of Representatives for concurrence.

On motion of Mr. Brown—

Resolved, That the Senate recede from their amendment numbered one to said title.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. McDaniel—

The Senate adjourned.

WEDNESDAY, DECEMBER 14, 1842.

The Senate proceeded to the order of the day on the following bill, and the following resolution, to wit:

"An act in relation to the Rockingham Mutual Fire Insurance Company;"

"A resolution making an appropriation for the completion of a gun house in the twelfth regiment;"

Which were severally read a third time.

Resolved, That they pass, and that the title of said bill be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Brown—

The Senate resumed the further consideration of Title XIX of the bill entitled, "Revised Statutes of the State of New-Hampshire,"

On motion of Mr. Brown—

Resolved, That the Senate recede from their amendment to said title, numbered two.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Perley, from the joint standing committee on Engrossed Bills, reported that they had carefully examined and find correctly engrossed, bills with the following titles:

"An act to sever a tract of land from the town of Kilkenny in the county of Coos, and annex the same to the town of Lancaster;"

"An act to constitute the town of Bennington."

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bills, reported as correctly engrossed by the committee on Engrossed Bills, and their clerk was directed to lay them before the Senate for the signature of their President.

Thereupon the President of the Senate signed said bills, and the same was delivered to the committee on Engrossed Bills, to be laid before the Governor for his approval and signature.

Mr. Colby, from the joint standing committee on Engrossed Bills, reported that they had presented the aforesaid bills, by them reported as correctly engrossed, to His Excellency the Governor, for his approval and signature.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred Title XX of the bill entitled, "Revised Statutes of the State of N. Hampshire," and who by a resolution of the Senate, were instructed to report such amendments thereto as will provide for the addition of one or more Justices of the Superior Court, and strike out therefrom the provisions relating to the Circuit Court of Common Pleas, reported said title with twelve several amendments.

On the question being put,

Shall the first of said amendments be adopted?

Mr. Treadwell offered an amendment to said amendment.

The question being put,

Shall said amendment to the amendment be adopted?

It was decided in the negative.

So the amendment was rejected.

The question recurring,

Shall said *first* amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *second* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *third* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

The fourth of said amendments was passed over for the present time, without any action of the Senate thereon.

On the question being put,

Shall the *fifth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *sixth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *seventh* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *eighth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *ninth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *tenth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *eleventh* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *twelfth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On motion of Mr. Brown—

Said title was laid on the table.

Mr. Brown gave notice that on to-morrow, or on some future day, he will introduce a bill entitled, "An act to annex a part of the farm of Samuel B. Collins to the town of Bennington."

On motion of Mr. M'Daniel—

The Senate adjourned.

AFTERNOON.

On motion of Mr. M'Daniel—

Resolved, That the Senate now take a recess until fifteen minutes past four o'clock.

15 MINUTES PAST FOUR O'CLOCK.

On motion of Mr. Straw—

The Senate adjourned.

THURSDAY, DECEMBER 15, 1842.

On motion of Mr. Brown—

The Senate resumed the further consideration of Title XX of the bill entitled, "Revised Statutes of the State of New Hampshire."

[Mr. Straw was called to the chair.]

The question being upon the adoption of the *fourth* amendment reported by the committee on the Judiciary to said title;

On the question being put,

Shall said amendment be adopted?

It was decided in the negative.
So the amendment was rejected.

Mr. Quincy offered a further amendment to said title;
And on the question being put,
Shall said amendment be adopted?
It was decided in the affirmative.
So the amendment was adopted.

Mr. Brown offered an amendment to said bill.
And on the question being put,
Shall said amendment be adopted?
It was decided in the affirmative.
So the amendment was adopted.

On the question, shall said title be read a third time?
It was decided in the affirmative.

So the title was ordered to a third reading.
Ordered, That the Clerk notify the House of Representatives accordingly.

BOOKLET A

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in the adoption of their amendments to Title XXIII of the bill entitled, "Revised Statutes of the State of New Hampshire," except the amendment numbered four, in which they do not concur."

The House of Representatives have passed a bill entitled "An act to disannex a tract of land in the town of Amherst, from said Amherst, and annex the same to the town of Milford; in which they ask the concurrence of the Honorable Senate."

The House concur with the Honorable Senate in their amendment of an amendment of the House to an amendment of the Honorable Senate to Title XIX of the bill entitled, "Revised Statutes of the State of New Hampshire."

The Senate proceeded to the consideration of the amendments to Title XXIII of the bill entitled, "Revised Statutes of the State of New Hampshire," sent up from the House of Representatives for concurrence.

On motion of Mr. Treadwell—

Resolved, That the Senate recede from their fourth amendment to said title.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the consideration of the foregoing

bill, sent up from the House of Representatives, entitled, "An act to disannex a tract of land from the town of Amherst and annex the same to the town of Milford,"

Which was read a first and second time.

Ordered, That it be referred to the committee on Incorporations.

Agreeably to previous notice and by leave of the Senate given for that purpose, Mr. Brown introduced a bill entitled, "An act to annex a part of the farm of Samuel B. Collins to the town of Bennington."

Which was read a first and second time.

On motion of Mr. Treadwell—

Resolved, That said bill be read a third time without commitment.

Ordered, That it be read a third time this afternoon at three o'clock.

On motion of Mr. Treadwell—

The Senate adjourned.

ATTERNOON.

The Senate proceeded to the order of the day on the bill entitled, "An act to annex a part of the farm of Samuel B. Collins to the town of Bennington,"

Which was read a third time.

Resolved, That it pass and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Treadwell, from the standing committee on Incorporations, to whom was referred the bill entitled, "An act to annex Nash and Sawyer's location in the county of Coos to the town of Carroll in said county," reported the following resolution:

Resolved, That the further consideration of said bill be postponed indefinitely.

On the question, shall the resolution pass?

It was decided in the affirmative.

So the resolution passed.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. M'Daniel—

Resolved, That the Senate now take a recess until four o'clock, P. M.

FOUR O'CLOCK, P. M.

Mr. Perley, from the joint standing committee on Engrossed Bills, reported, that they had carefully examined, and find correctly engrossed, bills of the following titles and the following resolution to wit:

"An act to change the name of the Strafford Cotton Mill Company."

"An act to sever a tract of land from the town of Swanzey, in the county of Cheshire, and annex the same to the town of Marlborough, in said county."

"An act in relation to the Rockingham Mutual Fire Insurance Company;"

"A resolution making an appropriation for the completion of a gun-house for the 12th regiment;"

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bill and resolution, reported as correctly engrossed by the committee on Engrossed Bills, and their Clerk was directed to lay them before the Senate for the signature of their President.

Thereupon the President of the Senate signed said bills and resolutions, and the same were delivered to the committee on Engrossed Bills, to be laid before the Governor, for his approval and signature.

Mr. Colby, from the joint standing committee on Engrossed Bills, reported that they had presented the aforesaid bills and resolution, by them reported as correctly engrossed, to His Excellency the Governor, for his approval and signature.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Senate in their amendments to Title XX, of the bill entitled, "Revised Statutes of the State of New Hampshire," numbered eight, nine, ten, eleven and thirteen."

The House non-concur in those of said amendments numbered one, two, three, four, five, six, seven and twelve."

The Senate proceeded to the consideration of the amendments to Title XX of the bill entitled, "Revised Statutes of the State of New Hampshire."

Mr. McDaniel moved that the Senate recede from their amendments to said title numbered one, two, three, four, five, six, seven and twelve.

On the question being put,

Will the Senate recede from said amendments?

Mr. Perley demanded the yeas and nays.

Those who voted in the affirmative are Messrs. Treadwell, Hatch, Hale, McDaniel and Straw.

Those who voted in the negative are Messrs. Colby, Perley, Brown, Batcheller, Smith, Quincy and Warner.

Yea 5. Nays 7.

So the negative of the question prevailed and the Senate refused to recede from said amendments.

Mr. Colby moved that the Senate *insist* upon said amendments numbered one, two, three, four, five, six, seven and twelve to said title.

And on the question being put,

Will the Senate insist upon said amendments?

It was decided in the affirmative.

So the Senate *insisted* upon said amendments.

Ordered, That the Clerk notify the House of Representatives accordingly:

On motion of Mr. McDaniel—

The Senate adjourned.

FRIDAY, DECEMBER 16, 1842.

Mr. Treadwell, from the standing committee on Incorporations, to whom was referred the bill entitled "An act to disannex a tract of land in the town of Amherst and annex the same to the town of Milford" reported the same without amendment.

On the question, shall said bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time this afternoon at three o'clock.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed to a third reading Title XII of the bill entitled, "Revised Statutes

of the State of New Hampshire"; in which they ask the concurrence of the Honorable Senate.

The House insist upon their disagreement to the amendments numbered one, two, three, four, five, six, seven and twelve made by the Senate to Title XX of the bill entitled, "Revised Statutes of the State of New Hampshire," and ask a committee of conference, and have on their part appointed Messrs. Peirce of Dover, Norris and Tuck, in which they ask the concurrence of the Honorable Senate.

The House concur with the Senate in the passage of a bill entitled, "An act to annex a part of the farm of Samuel B. Collins to Bennington."

The House concur with the Senate in the adoption of the report and resolutions, relative to the distribution of the proceeds of the sales of the public lands.

The House have passed a bill entitled, "An act authorizing enlistments in the first company of Artillery and in the Rockingham Guards in the first regiment of the militia of this State"; in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of Title XII of the bill entitled, "Revised Statutes of the State of New Hampshire," sent up from the House of Representatives for concurrence.

On motion of Mr. Treadwell—

Said bill was read a first and second time by its title.

Ordered, That it be referred to the committee on Military Affairs.

The Senate proceeded to the consideration of Title XX of the bill entitled "Revised Statutes of the State of New Hampshire," sent up from the House of Representatives, for concurrence, in the appointment of a committee of conference upon the subject of the disagreement between the two branches relative to the amendments of the Senate to said title.

On motion of Mr. McDaniel—

Resolved, That the Senate concur with the House of Representatives, in the appointment of a committee of conference relative to said disagreement.

Ordered, That Messrs. Brown, Smith and Batcheller constitute said committee.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the consideration of the bill entitled, "An act authorizing enlistments into the first company of

Artillery and in the Rockingham Guards, in the first regiment of the militia of this State," sent up from the House of Representatives for concurrence.

Which was read a first and second time.

Ordered, That it be referred to the committee on Military Affairs.

On motion of Mr. M'Daniel—

Resolved, That the Senate now take a recess until half past eleven o'clock, A. M.

HALF PAST ELEVEN O'CLOCK, A. M.

On motion of Mr. Straw—

The Senate adjourned.

AFTERNOON.

The Senate proceeded to the order of the day on the bill entitled, "An act to disannex a tract of land in the town of Amherst, from said Amherst, and annex the same to the town of Milford,"

Which was read a third time.

Resolved, That it pass, and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Hon. Senate in the adoption of their amendments to Title XXI of the bill entitled, "Revised Statutes of the State of New Hampshire," except the amendment numbered twenty-seven, in which they do not concur. The House concur in the adoption of the amendment numbered fourteen, with an amendment, in which they ask the concurrence of the Honorable Senate.

The Senate proceeded to the consideration of the amendments to the foregoing title, entitled title XXI of the bill entitled "Revised Statutes of the State of New Hampshire."

Mr. Colby moved that the Senate *insist* upon their amendment to said title numbered *twenty-seven*.

On the question being put,

Will the Senate *insist* upon said amendment?

Mr. Warner demanded the yeas and nays;
But before their call,

Mr. Warner withdrew his motion.

The question recurring,

Will the Senate insist upon said amendment?

It was decided in the affirmative.

So the Senate insisted upon their amendment.

On motion of Mr. Brown—

Resolved, That the Senate concur with the House of Representatives in their amendment to the amendment of the Senate numbered *fourteen*.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed a resolution, fixing on a day on which the business of the present session may be brought to a close; in which they ask the concurrence of the Honorable Senate.

The House have passed a bill and the following resolutions, to wit:

"An act in amendment of an act entitled, an act to incorporate sundry persons by the name of the Proprietors of the New Chester Union Bridge, passed Dec 24, 1824;"

"A resolution authorizing and directing the State Treasurer to furnish Burr's map of N. E. to the counties, towns and academies, which are entitled by law to receive Carrigain's map of New Hampshire;"

"A resolution in favor of Harrison Messer and others," in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the foregoing resolution, sent up from the House of Representatives fixing on a day on which the business of the present session of the Legislature may be brought to a close,

Which was read, and

On motion of Mr. Colby—

Ordered, That it lie on the table.

The Senate proceeded to the consideration of the foregoing bill, sent up from the House of Representatives, entitled, "An act in amendment of an act, entitled an act to incorporate sundry persons by the name of the proprietors of the New Chester Union Bridge, passed Dec. 24, 1824;"

Which was read a first and second time.

Ordered, That it be referred to the committee on Roads, Bridges and Canals.

The Senate proceeded to the consideration of the foregoing resolution, sent up from the House of Representatives, authorizing and directing the State Treasurer to furnish Burr's map of New England to the counties, towns and academies, which are entitled by law to receive Carrigain's map of New Hampshire;

Which was read a first and second time.

Ordered, That it be referred to the committee on Education.

The Senate proceeded to the consideration of the foregoing resolution in favor of Harrison Messer and others, sent up from the House of Representatives for concurrence,

Which was read a first and second time.

Ordered, That it be referred to the committee on Claims.

On motion of Mr. M'Daniel—

The Senate adjourned.

SATURDAY, DECEMBER 17, 1842.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives insist upon their disagreement to the amendment numbered *twenty-seven*, made by the Honorable Senate to Title XXI of the bill entitled, "Revised Statutes of the State of New Hampshire," and ask a conference with the Senate thereon, and have on their part appointed Messrs. Peirce of Dover, Clark of Landaff and Tebbets of Rochester a committee of conference.

The House have passed to a third reading Title IX of the bill entitled, "Revised Statutes of the State of New Hampshire," in which they ask the concurrence of the Honorable Senate.

The House have passed a bill entitled, "An act to alter the names of certain persons," and a bill entitled "An act to vest in Nelson Richardson the privilege of keeping a ferry over Connecticut River," in which they ask the concurrence of the Honorable Senate."

The Senate resumed the consideration of the amendments to the foregoing title entitled, Title XXI of the bill entitled, "Revised Statutes of the State of New Hampshire," sent up from the House of Representatives, requesting a committee of conference

relative to the subject of a disagreement to the amendments thereto, proposed by the Senate.

On motion of Mr. Treadwell—

Resolved, That the Senate concur with the House of Representatives in the appointment of a committee of conference, relative to said disagreement.

Ordered, That Messrs. Colby, Treadwell and M'Daniel be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the consideration of the foregoing bill entitled, "An act to alter the names of certain persons," sent up from the House of Representatives for concurrence,

Which was read a first and second time.

Ordered, That it be referred to the committee on Education.

The Senate proceeded to the consideration of the foregoing bill sent up from the House of Representatives for concurrence, entitled, "An act to vest in Nelson Richardson the privilege of keeping a ferry over Connecticut River,"

Which was read a first and second time.

Ordered, That it be referred to the committee on Roads, Bridges and Canals.

The Senate proceeded to the consideration of Title IX of the bill entitled, "Revised Statutes of the State of New Hampshire;" sent up from the House of Representatives for concurrence,

Which was read a first and second time.

Ordered, That it be referred to the committee on the Roads, Bridges and Canals.

Mr. Perley, from the standing committee on Claims, to whom was referred th resolution in favor of Harrison Messer and others, reported the same without amendment.

On the question,

Shall said resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at three o'clock this afternoon.

A message from the House of Representatives by a member of the House:

"Mr. President—The House of Representatives have passed to a third reading Title XXVI of the bill entitled, "Revised Statutes of the State of New Hampshire;" in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the foregoing title, sent up from the House of Representatives for concurrence—entitled title XXVI of the bill entitled, "Revised Statutes of the State of New Hampshire."

Which was read a first and second time.

Ordered, That it be referred to the committee on the Judiciary.

Mr. McDaniel, from the committee on Military Affairs, to whom was referred the resolution in favor of Danforth Jewell, reported the same with the following amendment, to wit:

In the third line of said resolution, strike out the word "forty," and insert instead thereof the words "twenty-five."

On the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted,

On the question,

Shall said resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at three o'clock this afternoon.

On motion of Mr. McDaniel—

Resolved, That the Senate now take a recess untill half past eleven o'clock, A. M.

HALF PAST ELEVEN O'CLOCK, A. M.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred Title XXVI of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same with *seven* several amendments.

Before any action was had thereon,

On motion of Mr. McDaniel—

The Senate adjourned.

AFTERNOON.

The Senate proceeded to the order of the day on the following resolutions, to wit:

"A resolution in favor of Danforth Jewell;"

"A resolution in favor of Harrison Messer and others." Which were severally read a third time.

Resolved, That they pass.

Ordered, That the clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives recede from their disagreement numbered 'twenty-seven,' made by the Senate to Title XXI of the bill entitled, 'Revised Statutes of the State of New Hampshire,' and concur in said amendments made by the Senate, with an amendment to said amendment; in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the amendments to the foregoing bill, sent up from the House of Representatives entitled Title XXI of the bill entitled, "Revised Statutes of the State of New Hampshire."

On motion of Mr. Colby—

Resolved, That the Senate concur with the House of Representatives in the adoption of their amendment to the amendment of the Senate numbered "twenty-seven."

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate resumed the further consideration of the unfinished business of the forenoon, relative to Title XXVI of the bill entitled, "Revised Statutes of the State of New Hampshire," and the several amendments reported by the committee to whom said title was referred.

The first of said amendments proposes to strike out of chapter 217 the following section:

"SECTION 4. The Governor with the advice of the Council may commute the punishment of any person convicted of murder in the first degree, to confinement to hard labor for life, solitary or otherwise."

On the question, shall said amendment be adopted by striking out said section?

Mr. Warner demanded the yeas and nays.

Those who voted in the affirmative are Messrs. Hatch, Colby, McDaniel, Perley, Brown and Warner.

Those who voted in the negative are Messrs. Treadwell, Hale, Batcheller, Smith and Quincy.

Yea 6, Nays 5.

So the affirmative of the question prevailed, and the amendment was adopted by striking out said section.

On the question being put,

Shall the *second* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *third* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *fourth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *fifth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *sixth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *seventh* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question, shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed a resolution for the protection of the Public Lands, from trespassers and other depredators.

'A resolution in favor of Thomas P. Hill.'

'A resolution in favor of George W. Bagley.'

'An address for the removal of certain officers therein named, in which they ask the concurrence of the Honorable Senate.'

The Senate proceeded to the consideration of the foregoing resolution, sent up from the House of Representatives, for the

protection of public lands from trespassers and other depredators.

Which was read a first and second time.

Ordered, That it be referred to the committee on Roads, Bridges and Canals.

The Senate proceeded to the consideration of the foregoing resolution, sent up from the House of Representatives, in favor of Thomas P. Hill.

Was read a first and second time.

Ordered, That it be referred to the committee on Military Affairs.

The Senate proceeded to the consideration of the foregoing resolution, in favor of George W. Bagley, sent up from the House of Representatives for concurrence.

Which was read a first and second time.

Ordered, That it be referred to the committee on Military Affairs.

The Senate proceeded to the consideration of the foregoing address, for the removal of certain officers therein named, sent up from the House of Representatives for concurrence,

Which was read.

On the question, shall said address pass?

It was decided in the affirmative.

So the address passeed.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Hale, from the standing committee on Education, to whom was referred the resolution directing the State Treasurer to furnish Burr's map of New England to the counties, towns and academies which are entitled by law to receive Carrigain's map of New Hampshire, reported the same without amendment.

On motion of Mr. Brown—

Ordered, That said resolution lie on the table.

Mr. Warner, from the standing committee on Education, to whom was referred the bill entitled, "An act to alter the names of certain persons," reported the same without amendment.

On the question,

Shall said bill be read a third time?

It was decided in the affirmative.

On motion of Mr. Perley—

Resolved, That the rules of the Senate be so far suspended, that said bill be read a third time, at the present time.

Said bill was accordingly read a third time.

Resolved, That it pass and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Smith, from the standing committee on Education, to whom was referred the resolution, directing the Secretary of State to procure the publication of the public acts and resolves, other than the Revised Statutes, to be published in the Manchester Democrat, a newspaper printed at Manchester, in the county of Hillsborough, reported the same without amendment.

On the question,

Shall said resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Treadwell—

Resolved, That the rules of the Senate be so far suspended, that said resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed to a third reading Title VIII of the bill entitled, 'Revised Statutes of the State of New Hampshire,' in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the foregoing title, sent up from the House of Representatives for concurrence, entitled Title VIII of the bill entitled, "Revised Statutes of the State of New Hampshire,"

Which was read a first and second time.

Ordered, That it be referred to the committee on the Judiciary.

Mr. McDaniel, from the standing committee on Military Affairs, to whom was referred Title XII of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same with twenty-two several amendments.

On the question being put,

Shall the *first* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *second* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

- On the question being put, ~~when said~~ Shall the *third* of said amendments be adopted? It was decided in the affirmative. So the amendment was adopted.
- On the question being put, Shall the *fourth* of said amendments be adopted? It was decided in the affirmative. So the amendment was adopted.
- On the question being put, Shall the *fifth* of said amendments be adopted? It was decided in the affirmative. So the amendment was adopted.
- On the question being put, Shall the *sixth* of said amendments be adopted? It was decided in the affirmative. So the amendment was adopted.
- On the question being put, Shall the *seventh* of said amendments be adopted? It was decided in the affirmative. So the amendment was adopted.
- On the question being put, Shall the *eighth* of said amendments be adopted? It was decided in the affirmative. So the amendment was adopted.
- On the question being put, Shall the *ninth* of said amendments be adopted? It was decided in the affirmative. So the amendment was adopted.
- On the question being put, Shall the *tenth* of said amendments be adopted? It was decided in the affirmative. So the amendment was adopted.
- On the question being put, Shall the *eleventh* of said amendments be adopted? It was decided in the affirmative. So the amendment was adopted.
- On the question being put, Shall the *twelfth* of said amendments be adopted? It was decided in the affirmative. So the amendment was adopted.
- On the question being put, Shall the *thirteenth* of said amendments be adopted? It was decided in the affirmative. So the amendment was adopted.

On the question being put,
Shall the *fourteenth* of said amendments be adopted? ~~not~~ ^{not}
It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *fifteenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *sixteenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *seventeenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted?

On the question being put,
Shall the *eighteenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *nineteenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *twentieth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *twenty first* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.

On the question being put,
Shall the *twenty-second* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.

Mr. Treadwell offered a further amendment to said title.
And on the question being put,
Shall said amendment be adopted?
It was decided in the affirmative.
So the amendment was adopted.

Mr. Brown offered a further amendment to said title;
And on the question being put,
Shall said amendment be adopted? ~~not~~ ^{not}

It was decided in the affirmative.

So the amendment was adopted.

Mr. Treadwell offered a further amendment to said title.

And on the question being put,

Shall said amendment be adopted?

It was decided in the negative.

So the amendment was rejected.

Mr. Treadwell offered a further amendment to said title,

And on the question being put,

Shall said amendment be adopted?

It was decided in the negative.

So the amendment was rejected.

On the question, shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. M'Daniel—

The Senate adjourned.

MONDAY, DECEMBER 19, 1842.

Mr. McDaniel, from the standing committee on Military Affairs, to whom was referred the resolution in favor of Thomas P. Hill, reported the same without amendment.

On the question, shall said resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Perley—

Resolved, That the rules of the Senate be so far suspended, that said resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Perley—

Resolved, That the Senate now take a recess for half an hour.

MET AGREEABLY TO ADJOURNMENT.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Senate in the adoption of all their amendments made by the Senate to Title XXVI of the bill entitled, "Revised Statutes of the State of New Hampshire."

The House concur with the Honorable Senate in the adoption of their amendment to Title XXII of the bill entitled, "Revised Statutes of the State of New Hampshire."

The House adhere to their disagreement with the Honorable Senate in their amendments to Title XX of the bill entitled, "Revised Statutes of the State of New Hampshire."

The Senate proceeded to the consideration of the amendments to Title XX of the bill entitled, "Revised Statutes of the State of New Hampshire," sent up from the House of Representatives,

On motion of Mr. Perley—

Said title was laid on the table.

On motion of Mr. Brown—

The Senate adjourned.

AFTERNOON.

Mr. Straw, from the standing committee on Roads, Bridges and Canals, to whom was referred the bill entitled, "An act in amendment of an act entitled, an act to incorporate sundry persons by the name of the proprietors of the New Chester Union Bridge," reported the same without amendment.

On motion of Mr. Treadwell—

Ordered, That said bill lie on the table.

Mr. Straw, from the standing committee on Roads, Bridges and Canals, to whom was referred the resolution for the protection of the public lands from trespassers and other depredators, reported the same without amendment.

On the question, shall said resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Warner—

Resolved, That the rules of the Senate be so far suspended, that the resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the clerk notify the House of Representatives accordingly.

Mr. McDaniel, from the standing committee on Military Affairs, to whom was referred the resolution in favor of George W. Bagley, made a report,

Whereupon—

Resolved, That the further consideration of said resolution be indefinitely postponed, and that he have leave of withdrawing the accompanying papers.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred Title VII of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same with three several amendments.

On the question being put,

Shall the *first* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *second* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *third* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. McDaniel offered the following amendment to said title, viz: strike out the following sections from chapter 39.

SECT. 4. Every railroad corporation shall pay the treasurer of the State, on or before the second Wednesday of June annually, one per cent. on the value, on the first day of April preceding, of that part of its capital stock, expended within this State, to be determined by the certificates of the Justices of the Superior Court.

SECT. 5. The treasurer of said State shall assign and distribute in the month of June annually, all sums so received by him in the following manner :

1st. To the several towns in which any railroad may be located, one fourth of said one per cent. paid by said railroad corporation; each town to receive in proportion to the capital stock expended therein, for buildings and the right of way.

2d. To the several towns in this State in which stock in any railroad shall have been owned on the first day of April next preceding, three fourths of one per cent. paid by said corporation on

the stock owned in such town upon receiving from the selectmen thereof, satisfactory evidence that the same was owned in said town on said first day of April.

3d. The remainder for the use of the State.

SECT. 6. It shall be the duty of the agent of every such railroad corporation to transmit to the treasurer of the State on or before the first day of June annually a certified statement of the number of shares in such corporation owned in each town in this State on the first day of April annually and by whom owned, and such other information as may be required to carry out the provisions of this and the two preceding sections.

On the question,

Will the Senate adopt said amendments by striking out the sections aforesaid?

Mr. Treadwell demanded the yeas and nays.

Those who voted in the affirmative are,

Messrs. Treadwell, Hatch, and M'Daniel.

Those who voted in the negative are,

Messrs. Colby, Hale, Perley, Brown, Straw, Batcheller, Smith, Quincy and Warner.

Yea 3, nays 9.

So the negative of the question prevailed, and the Senate refused to adopt the amendment by striking out said sections.

Mr. Brown proposed a further amendment to said title;

But before the question was taken,

Mr. Brown withdrew his motion.

On the question,

Shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Treadwell moved that the Senate now take a recess until half past six o'clock,

But before the question was taken,

Mr. Treadwell withdrew his motion.

The Senate resumed the further consideration of the amendments to Title XX of the bill entitled, "Revised Statutes of the State of New Hampshire," sent up from the House of Representatives.

Mr. Smith moved that the Senate adhere to their amendment to said title.

On the question being put,

Will the Senate adhere to their amendment?

Mr. M'Daniel demanded the yeas and nays.

Those who voted in the affirmative were,
Messrs. Colby, Perley, Batcheller, Smith., Quincy and Warner.

Those who voted in the negative are,
Messrs. Treadwell, Hatch, Hale, McDaniel, Brown and Straw.
Yeas 6. Nays 6.

So the negative of the question prevailed, and the Senate refused to adhere to said amendment.

Mr. Brown moved that said title be laid upon the table.
But before the question was taken,
Mr. Brown withdrew his motion.

Mr. M'Daniel renewed the motion of Mr. Brown to lay said title upon the table;

And on the question being put,
Shall said title be laid upon the table?
It was decided in the affirmative.
So said title was laid upon the table.

On motion of Mr. Perley—

The Senate resumed the consideration of the resolution, directing the state treasurer to furnish each town, county and academy that is entitled by law to Carrigain's map of New Hampshire, with one copy of Burr's map of the New England States.

On the question,

Shall said resolution be read a third time?
It was decided in the affirmative.

On motion of Mr. Warner—

Resolved, That the rules of the Senate be so far suspended that said resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Treadwell—

The Senate resumed the consideration of the bill entitled, "An act in amendment of an act entitled, an act to incorporate sundry persons by the name of the proprietors of the New Chester Union Bridge."

On the question, shall said bill be read a third time?

It was decided in the affirmative.

On motion of Mr. Treadwell—

Resolved, That the rules of the Senate be so far suspended, that the bill be read a third time at the present time.

Said bill was accordingly read a third time.

Resolved, That it pass and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. M'Daniel—

Resolved, That the Senate now have a recess until half past six o'clock this evening.

EVENING.

[*Half past o'clock.*]

On motion of Mr. M'Daniel—

The Senate resumed the further consideration of the amendments to Title XX of the bill entitled, "Revised Statutes of the State of New Hampshire,"

Mr. M'Daniel moved that the Senate *recede* from their amendment to said title.

On the question,

Will the Senate recede from their amendment to said title?

Mr. Batcheller demanded the yeas and nays.

Those who voted in the affirmative are Messrs. Treadwell, Hatch, Hale, McDaniel, Brown and Straw.

Those who voted in the negative are Messrs. Colby, Perley, Batcheller, Smith, Quiacy and Warner.

Yeads 6. Nays 6.

So the negative of the question prevailed and the Senate refused to recede from said amendment.

Mr. Batcheller presented the petition of John Brown and others, against the arrest or detention of fugitives from slavery, and the use of jails, or other public property, in such detention.

On motion of Mr. M'Daniel—

Resolved, That the further consideration of said petition be postponed to the next session of the Legislature.

Mr. Smith moved, that the Senate again *insist* upon their amendments to Title XX of the bill entitled, "Revised Statutes of the State of New Hampshire," and ask a committee of conference.

On the question being put,

On the adoption of said motion,

It was decided in the affirmative.

So the Senate *again* insisted upon said amendment, and ask a committee of conference.

Ordered, That said committee on the part of the Senate, consist of Messrs. Colby, Batcheller and Smith.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. M'Daniel, from the standing committee on Military Affairs, to whom was referred the bill entitled, "An act authorizing additional enlistments in the first company of Artillery, and in the Rockingham Guards, in the first regiment in militia of this State," reported the same without amendment.

On the question, shall said bill be read a third time?

It was decided in the affirmative.

On motion of Mr. Warner—

Resolved, That the rules of the Senate be so far suspended, that the bill be read a third time at the present time.

Said bill was accordingly read a third time.

Resolved, That it pass and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Straw, from the standing committee on Roads, Bridges and Canals, to whom was referred Title IX of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same with two several amendments.

On the question being put,

Shall the second of said amendments be adopted?

Mr. McDaniel offered an amendment to the amendment.

On the question being put,

Shall the amendment to the amendment be adopted?

It was decided in the affirmative.

So the amendment to the amendment was adopted.

The question recurring,

Shall the amendment as amended was adopted?

It was decided in the affirmative.

So the amendment as amended was adopted.

Mr. Colby moved to reconsider the vote adopting the second amendment and the amendment to the amendment,

And on the question being put,

Shall the vote adopting said amendment and the amendment to the amendment be reconsidered?

It was decided in the affirmative.

So the vote to reconsider was adopted.

Mr. Colby moved to amend the second amendment proposed by the committee by striking out the words "two dollars and fifty cents," and inserting instead thereof the words "three dollars."

On the question being put,

Shall said amendment to the amendment be adopted?

It was decided in the affirmative.
 So the amendment to the amendment was adopted.
 On the question being put,
 Shall the amendment as amended be adopted?
 It was decided in the affirmative.
 So the amendment as amended was adopted.
 On the question being put,
 Shall the first of said amendments as reported by the committee be adopted?
 It was decided in the negative.
 So the amendment was rejected.
 Mr. Brown offered a further amendment to said title;
 And on the question being put,
 Shall said amendment be adopted?
 It was decided in the affirmative.
 So the amendment was adopted.
 On the question, shall said title be read a third time?
 It was decided in the affirmative.
 So the title was ordered to a third reading.
 Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed to a third reading Title XVII of the bill entitled, "Revised Statutes of the State of New Hampshire;" in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the foregoing title entitled Title XVII of the bill entitled, "Revised Statutes of the State of New Hampshire."

Which was read a first and second time by its title.

Ordered, That it be referred to the committee on Incorporations.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in the appointment of a committee of conference upon the disagreement of the two branches, upon the amendments made by the Honorable Senate to Title XX of the bill entitled, "Revised Statutes of the State of New Hampshire," and have appointed Messrs. Norris, Peirce of Dover and Clarke of Atkinson a committee on the part of the House."

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives non-concur with the Senate in the adoption of the first of their amendments to Title IX of the bill entitled, "Revised Statutes of the State of the State of New Hampshire."

The House concur with the Senate in the adoption of the second of said amendments."

The Senate proceeded to the consideration of the foregoing Title, sent up from the House of Representatives for concurrence, entitled Title IX of the bill entitled, "Revised Statutes of the State of New Hampshire."

On motion of Mr. Brown—

Resolved, That the Senate recede from the amendment numbered one to the aforesaid Title.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. M'Daniel—

The Senate adjourned.

TUESDAY, DECEMBER 20, 1842.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed a resolution, making an appropriation for the payment of the Commissioners to revise, amend and codify the statute laws of this State;

'An Address for the removal of an officer;' in which they ask the concurrence of the Honorable Senate.

The House concur with the Honorable Senate in the adoption of their amendment to the resolution, in favor of Danforth Jewell."

Mr. Perley, from the joint standing committee on Engrossed Bills, reported, that they had carefully examined, and find correctly engrossed, bills of the following titles and the following resolution to wit:

"An act to disannex a tract of land in the town of Amherst and annex the same to the town of Milford"

"An act to annex a part of the farm of Samuel B. Collins to Bennington."

"A resolution in favor of Harrison Messer and others;"

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bills and resolution, reported as correctly engrossed by the committee on Engrossed Bills, and their Clerk was directed to lay them before the Senate for the signature of their President.

Thereupon the President of the Senate signed said bills and resolution, and the same were delivered to the committee on Engrossed Bills, to be laid before the Governor, for his approval and signature.

Mr. Colby, from the joint standing committee on Engrossed Bills, reported that they had presented the aforesaid bills and resolution, by them reported as correctly engrossed, to His Excellency the Governor, for his approval and signature.

The Senate proceeded to the consideration of the foregoing address for the removal of an officer, sent up from the House of Representatives for concurrence.

Said address was read.

On the question, shall the address pass?

It was decided in the affirmative.

So the address passed.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the consideration of the foregoing resolution, making an appropriation for the payment of the Commissioners appointed to revise, amend and codify the statute laws of this State.

Which was read a first and second time.

Ordered, That it be referred to the committee on the Judiciary.

On motion of Mr. Brown—

The Senate resumed the consideration of the resolution, sent up from the House of Representatives, fixing on a day when the business of the two branches of the legislature may be brought to a close.

Mr. Perley moved to amend said resolution by striking out the words "Wednesday the twenty-first," and inserting instead thereof the words "Thursday the twenty-second,"

But before the question was taken,

On motion of Mr. Brown—

The resolution was laid on the table.

Mr. Colby, from the committee of conference, to whom was referred the subject of a disagreement of the two branches of the legislature relative to the amendments of the Senate to Title XX

of the bill entitled, "Revised Statutes of the State of New Hampshire," made a report,

Whereupon—

Resolved, That the Senate recede from their amendments to said title, numbered *one, two, three, four, five, six, seven and twelve*.

On motion of Mr. Brown—

Resolved, That said title be recommitted to the committee of conference.

A message from His Excellency the Governor, by Mr. Stevens, Secretary of State:

"To the Senate and House of Representatives:

The Treasurer of the State has submitted an estimate of the probable receipts and disbursements at the Treasury from Dec. 1, 1842, to June 1, 1843, which I herewith transmit for your consideration.

HENRY HUBBARD.

Council Chamber, Dec. 20, 1842."

The foregoing message was read, and

On motion of Mr. M'Daniel—

Laid upon the table.

Mr. Batcheller, from the committee of conference, to whom was recommitted Title XX of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same with several additional amendments.

On the question being put,

Shall the *first* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *second* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *third* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *fourth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,
Shall the *fifth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Colby—

The Senate adjourned.

AFTERNOON.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred the resolution, making an appropriation for the payment of the Commissioners, appointed to revise, amend and codify the statute laws of the State, reported the same with the following amendment, to wit:

Insert after the words "two thousand," the words "four hundred."

On the question being put,

Shall the amendment be adopted?

It was decided in the negative.

So the amendment was rejected.

On the question,

Shall the resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Perley—

Resolved, That the rules of the Senate be so far suspended that the resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed bills with the following titles, and the following resolutions, to wit:
'An act to incorporate the Amoskeag Savings Bank,'
'An act to incorporate the Proprietors of the Portsmouth and Dover Railroad,'"

'A resolution in favor of James M. Rix and others;'
'An act to prolong the charter of the President, Directors and Company of the Strafford Bank;'
'A resolution in favor of Lewis Loomis and an other;'
'An act to prolong the charter of the President, Directors and Company of the Portsmouth Bank;'
'A resolution relating to the printing of the Revised Statutes;'
'A resolution appropriating one hundred dollars to enable the Trustees appointed by the Governor to take possession of, manage and close the Exeter Savings Bank;' in which they ask the concurrence of the Honorable Senate.

The House concur with the Honorable Senate in the adoption of their amendment to Title XX of the bill entitled, "Revised Statutes of the State of New Hampshire," with an amendment to their amendment numbered four; in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the foregoing bill entitled, "An act to incorporate the Amoskeag Savings Bank," sent up from the House of Representatives for concurrence,

Which was read a first and second time.

Ordered, That it be referred to the committee on Banks.

The Senate proceeded to the consideration of the foregoing bill sent up from the House of Representatives for concurrence, entitled, "An act to incorporate the proprietors of the Dover and Portsmouth Railroad,"

Which was read a first and second time.

Ordered, That it be referred to the committee on Roads, Bridges and Canals.

The Senate proceeded to the consideration of the foregoing resolution, in favor of James M. Rix and others, sent up from the House of Representatives for concurrence,

Which was read a first and second time.

Ordered, That it be referred to the committee on Claims.

The Senate proceeded to the consideration of the foregoing bill, sent up from the House of Representatives for concurrence, entitled "An act to prolong the charter of the President, Directors and Company of the Strafford Bank,"

Which was read a first and second time.

Ordered, That it be referred to the committee on Banks.

The Senate proceeded to the consideration of the foregoing bill, sent up from the House of Representatives for concur-

rence, entitled, "An act to incorporate the President, Directors and Company of the Portsmouth Bank,"

Which was read a first and second time.

Ordered, That it be referred to the committee on Banks.

The Senate proceeded to the consideration of the foregoing resolution, sent up from the House of Representatives for concurrence, in favor of Lewis Loomis and others,

Which was read a first and second time.

Ordered, That it be referred to the committee on the Claims.

The Senate proceeded to the consideration of the foregoing resolution, sent up from the House of Representatives for concurrence, relating to the printing of the Revised Statutes,

Which was read a first and second time.

On motion of Mr. Colby—

Ordered, That it be referred to the committee on Claims.

The Senate proceeded to the consideration of the joint resolution sent up from the House of Representatives, appropriating one hundred dollars to enable the trustees appointed by the Governor to take possession of, manage and close up the Exeter Savings Bank,

Which was read a first and second time.

On the question, shall said resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Hatch—

Resolved, That the rules of the Senate be so far suspended, that said resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the further consideration of the amendments to Title XX of the bill entitled, "Revised Statutes of the State of New Hampshire," sent up from the House of Representatives for concurrence.

Mr. Treadwell moved, that the Senate *non-concur* with the House in said amendment;

But before the question was taken,

Mr. Treadwell withdrew his motion.

On motion of Mr. Colby—

Resolved, That the Senate concur with the House of Representatives in their amendment to the amendment of the Senate numbered four.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed a resolution, distributing the documents relating to the late United States census; in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the foregoing resolution, sent up from the House of Representatives, relative to the distribution of the documents in relation to the late United States census,

Which was read a first and time.

Ordered, That it be referred to the committee on Incorporations.

Mr. Treadwell, from the standing committee on the Incorporations, to whom was referred Title XVII of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same with eighteen several amendments.

On the question being put,

Shall the *first* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *second* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *third* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *fourth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *fifth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *sixth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *seventh* of said amendments be adopted?

- It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *eighth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *ninth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *tenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *eleventh* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *twelfth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *thirteenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *fourteenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *fifteenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *sixteenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *seventeenth* of said amendments be adopted?
It was decided in the affirmative.
So the amendment was adopted.
On the question being put,
Shall the *eighteenth* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Warner offered a further amendment to said title, to wit:

On page 6, 4th line, of the printed amendments of the House, insert after the word "stockholders," the words "now existing or."

On the question being put,

Shall said amendment be adopted?

Mr. Warner demanded the yeas and nays.

Those who voted in the affirmative are Messrs. Treadwell, Hatch, Hale, McDaniel, Brown, Straw, Smith Quincy and Warner.

Those who voted in the negative are Messrs. Colby, Perley, and Batcheller.

Yea 9, Nays 3.

So the affirmative of the question prevailed and the amendment was adopted.

On the question, shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Perley, from the standing committee on Claims, to whom was referred the resolution in favor of Lewis Loomis, and another, reported the same without amendment.

On the question, shall said resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Hatch—

Resolved, That the rules of the Senate be so far suspended, that said resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Perley, from the standing committee on Claims, to whom was referred the resolution in favor of James M. Rix and others, reported the same without amendment.

On the question, shall the resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Perley—

Resolved, That the rules of the Senate be so far suspended, that said resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed bills with the following titles, and the following resolutions, to wit:

"An act to raise sixty thousand dollars for the use of the State;"

"An act to alter the name of a certain person;"

"A resolution authorizing the State Treasurer to borrow thirty five thousand dollars on the credit and for the use of the State;"

The House have passed to a third reading, Title XXIX, of the bill entitled, "Revised Statutes of the State of New Hampshire;" in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the foregoing title, sent up from the House of Representatives for concurrence, entitled Title XXIX of the bill entitled, "Revised Statutes of the State of New Hampshire."

Which was read a first and second time.

Ordered, That it be referred to the committee on Claims.

The Senate proceeded to the consideration of the foregoing bill, sent up from the House of Representatives for concurrence, entitled, "An act to raise sixty thousand dollars for the use of the State,"

Which was read a first and second time.

Ordered, That it be referred to the committee on Claims.

The Senate proceeded to the consideration of the foregoing bill, sent up from the House of Representatives for concurrence, entitled, "An act to alter the name of a certain person,"

Which was read a first and second time.

On motion of Mr. Perley—

Resolved, That the rules of the Senate be so far suspended, as to permit said bill to be read a third time at the present time, without commitment.

Said bill was accordingly read a third time.

Resolved, That it pass, and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the consideration of the foregoing resolution, sent up from the House of Representatives for concurrence, authorizing the State treasurer to borrow thirty five thousand dollars on the credit and for the use of the State,

Which was read a first and second time.

On motion of Mr. Warner—

Resolved, That the rules of the Senate be so far suspended, as to permit said resolution to be read a third time at the present time without commitment.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Perley—

Resolved, That the Senate now take a recess until half past six o'clock this evening.

EVENING.

[*Half past 6 o'clock.*]

Mr. Perley, from the standing committee on Claims, to whom was referred the bill entitled, "An act to raise sixty thousand dollars for the use of the State," reported the same without amendment.

On the question, shall said bill be read a third time?

It was decided in the affirmative.

On motion of Mr. Perley—

Resolved, That the rules of the Senate be so far suspended, that said bill be read a third time at the present time.

Said bill was accordingly read a third time.

Resolved, That it pass, and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Colby, from the standing committee on Banks, to whom was referred the bill entitled, "An act to prolong the charter of the President, Directors and Company of the Strafford Bank," reported the same without amendment.

On motion of Mr. Warner—

The bill was laid upon the table.

Mr. Colby, from the standing committee on Banks, to whom was referred the bill entitled, "An act to prolong the charter of the President, Directors and Company of the Portsmouth Bank," reported the same without amendment.

On motion of Mr. Warner—

The bill was laid upon the table.

Mr. Colby, from the standing committee on Banks, to whom

was referred the bill entitled, "An act to incorporate the Amoskeag Savings Bank," reported the following resolution:

Resolved, That the same be indefinitely postponed.

On motion of Mr. Treadwell—

The resolution was laid upon the table.

Mr. Straw, from the standing committee on Roads, Bridges and Canals, to whom was referred the bill entitled, "An act to vest in Nelson Richardson the privilege of keeping a ferry over Connecticut River," reported the same with an amendment.

On the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted,

On the question, shall said bill be read a third time?

It was decided in the negative.

So the bill was rejected.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed sundry resolutions, relating to the issuing and circulation of small bills, in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the foregoing resolutions, relative to the issuing and circulation of small bills, sent up from the House of Representatives for concurrence,

Which were read.

On the question being put,

Shall said resolutions pass?

It was decided in the affirmative.

So the resolutions passed.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Perley, from the joint standing committee on Engrossed Bills, reported that they had carefully examined and find correctly engrossed bills of the following titles, an address for the removal of certain officers, and the following resolutions, to wit:

"An act to alter the names of certain persons;

"An act authorizing additional enlistments in the first Company of Artillery and in the Rockingham Guards, in the first regiment of militia of this State;"

"An act in amendment of an act entitled, an act to incorporate sundry persons by the name of the proprietors of the New Chester Union Bridge, passed Dec. 24, 1824;"

"A resolution in favor of Thomas P. Hill;"

"A resolution in favor of Dansforth Jewell;"

"A resolution to furnish certain counties, towns and academies with Burr's map of the New England States;"

"A resolution authorizing the appointment of an agent or agents to take care of the timber on the public lands;"

"An address for the removal of certain officers therein named."

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bills, resolutions and address, reported as correctly engrossed by the committee on Engrossed Bills, and their clerk was directed to lay them before the Senate for the signature of their President.

Thereupon the President of the Senate signed said bills, resolutions and address, and the same was delivered to the committee on Engrossed Bills, to be laid before the Governor for his approval and signature.

Mr. Colby, from the joint standing committee on Engrossed Bills, reported that they had presented the aforesaid bills, resolutions and address, by them reported as correctly engrossed, to His Excellency the Governor, for his approval and signature.

Mr. Perley, from the committee on Claims, to whom was referred Title XXIX of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same without amendment.

Mr. Perley offered an amendment to said title.

But before the question was put,

On motion of Mr. Warner—

The title was laid on the table.

Mr. Straw, from the standing committee on Roads, Bridges and Canals, to whom was referred the bill entitled, "An act to incorporate the proprietors of the Dover and Portsmouth Railroad," reported the same without amendment.

On the question,

Shall the bill be read a third time.

It was decided in the affirmative.

On motion of Mr. Treadwell—

Ordered, That said bill lie on the table.

On motion of Mr. Warner—

The Senate resumed the further consideration of Title XXIX of the bill entitled, "Revised Statutes of the State of New Hampshire,"

WEDNESDAY, DECEMBER 21, 1842.

The question being upon the adoption of the amendment offered by Mr. Perley;

On the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question,

Shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed sundry resolutions relative to the distribution of the proceeds of the sales of the public lands, the bankrupt act, and a protective tariff, in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the foregoing resolutions, sent up from the House of Representatives, relative to the distribution of the proceeds of the sales of the public lands, the bankrupt act, and a protective tariff.

On motion of Mr. Colby—

Said resolutions were laid on the table.

On motion of Mr. Perley—

The Senate adjourned.

WEDNESDAY, DECEMBER 21, 1842.

Mr. Perley, from the standing committee on Claims, to whom was referred the resolution relative to the printing and binding the Revised Statutes of the State of New Hampshire, by direction of a majority of the committee, reported the same without amendment.

Mr. Colby offered an amendment to said resolution, by striking out all after the word "Resolved," and substituting another resolution providing a different method for the publication of said Revised Statutes.

On the question being put,

Shall said amendment be adopted?

Mr. Perley demanded the yeas and nays.

Those who voted in the affirmative are Messrs. Colby, Perley and Batcheller.

Those who voted in the negative are Messrs. Treadwell, Hatch, Hale, McDaniel, Brown, Straw, Smith, Quincy and Warner.

Yea 3, nays 9.

So the negative of the question prevailed and the amendment was rejected.

Mr. Perley offered a further amendment to said resolution, to wit: strike out of said resolution the words "the following condition—one dollar and fifty cents a copy if the number of pages does not exceed five hundred; or one dollar and sixty-two cents if the number of pages exceed five hundred and is less than five hundred and fifty; or one dollar and seventy-five cents a copy if the number of pages exceeds five hundred and fifty," and insert instead thereof the following words, "one dollar and twenty-five cents and"

On the question being put,

Shall said amendment be adopted?

Mr. Perley demanded the yeas and nays.

Those who voted in the affirmative are Messrs. Colby, Perley, Batcheller, Smith and Quincy.

Those who voted in the negative are Messrs. Treadwell, Hatch, Hale, McDaniel, Brown, Straw and Warner.

Yea 5, nays 7.

So the negative of the question prevailed and the amendment was rejected.

On the question, shall the resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Hatch—

Resolved, That the rules of the Senate be so far suspended that said resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

On the question, shall the resolution pass?

Mr. Perley demanded the yeas and nays.

Those who voted in the affirmative are Messrs. Treadwell, Hatch, Hale, McDaniel, Brown, Straw, Smith, Quincy and Warner.

Those who voted in the negative are Messrs. Colby, Perley and Batcheller.

Yea 9, nays 3.

So the affirmative of the question prevailed, and the resolution passed.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed a resolution in favor of Isaac L. Folsom and others; in which they ask the concurrence of the Honorable Senate."

The House concur with the Honorable Senate in the adoption of their amendment to Title XXIX of the bill entitled, "Revised Statutes of the State of New Hampshire."

The Senate proceeded to the consideration of the foregoing resolution, sent up from the House of Representatives for concurrence, in favor of Isaac L. Folsom and others.

Which was read a first and second time.

Ordered, That it be referred to the committee on Claims.

On motion of Mr. Treadwell—

The Senate resumed the consideration of the resolutions, relative to the sales of public lands, the bankrupt act and a protective tariff.

Mr. McDaniel offered an amendment to said resolutions,

But before the question was put on Mr. McDaniel's motion,

On motion of Mr. Brown—

Ordered, That said report and resolutions be referred to the committee who have had the subject of the distribution of the sales of the public lands under consideration.

On motion of Mr. Warner—

The Senate adjourned.

AFTERNOON.

Mr. Perley, from the joint standing committee on Engrossed Bills, reported, that they had carefully examined, and find correctly engrossed, bills with the following titles and the following resolutions to wit:

- "An act to alter the name of a certain person;"
- "An act to raise sixty thousand dollars for the use of the State;"
- "A resolution in favor of James M. Rix and others;"
- "A resolution in favor of Lewis Loomis and another;"

"A resolution making compensation to the Commissioners appointed to revise the statute laws of this State;"

"A resolution authorizing the State Treasurer to borrow thirty-five thousand dollars for the use of the State;"

"A resolution appropriating one hundred dollars to enable the Trustees appointed for that purpose, to close the concerns of the Exeter Savings Bank;"

"An address for the removal of certain officers therein named."

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bills, resolutions and address, reported as correctly engrossed by the committee on Engrossed Bills, and their Clerk was directed to lay them before the Senate for the signature of their President.

Thereupon the President of the Senate signed said bills, resolutions and address, and the same were delivered to the committee on Engrossed Bills, to be laid before the Governor, for his approval and signature.

Mr. Colby, from the joint standing committee on Engrossed Bills, reported that they had presented the aforesaid bills, resolutions and address, by them reported as correctly engrossed, to His Excellency the Governor, for his approval and signature.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in the adoption of their amendment to Title XVII of the bill entitled, "Revised Statutes of the State of New Hampshire," except their amendments numbered five and nineteen, in which they do not concur.

The House concur in the adoption of the amendment numbered sixteen, with an amendment, in which they ask the concurrence of the Honorable Senate.

The House have passed to a third reading Title XXX, of the bill entitled, "Revised Statutes of the State of New Hampshire," in which they ask the concurrence of the Honorable Senate.

The House have passed the following resolutions, in which they ask the concurrence of the Honorable Senate:

A resolution relating to the distribution of the Revised Statutes.

A resolution in favor of Atkinson Webster;

A resolution in favor of the Artillery company in the thirteenth regiment;

A resolution authorizing the Secretary of State to employ

clerks to prepare a copy of the Revised Statutes for the State Printer, and appropriating twenty dollars for that purpose;

The Senate proceeded to the consideration of the foregoing resolution, sent up from the House of Representatives, relative to the distribution of the Revised Statutes,

Which was read a first and second time.

Ordered, That it be referred to the committee on Incorporations.

The Senate proceeded to the consideration of the foregoing resolution in favor of Atkinson Webster and others,

Which was read a first and second time.

Ordered, That it be referred to the committee on the Judiciary.

The Senate proceeded to the consideration of the foregoing title, entitled, Title XXX of the bill entitled, "Revised Statutes of the State of New Hampshire," sent up from the House of Representatives for concurrence.

Which was read a first and second time.

Ordered, That it be referred to the committee on Claims.

The Senate proceeded to the consideration of the foregoing resolution, sent up from the House of Representatives, in favor of the Artillery company in the thirteenth regiment,

Which was read a first and second time.

Ordered, That it be referred to the committee on Military Affairs.

The Senate proceeded to the consideration of the foregoing resolution, sent up from the House of Representatives, authorizing the Secretary of State to employ clerks to prepare a copy of the Revised Statutes for the State Printer, and appropriating twenty dollars for that purpose.

Which was read a first and second time.

Ordered, That it be referred to the committee on the Judiciary.

Mr. Perley, from the standing committee on Claims, to whom was referred the resolution in favor of Isaac L. Folsom and others, reported the same without amendment.

On the question, shall said resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Hatch—

Resolved, That the rules of the Senate be so far suspended, that said resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Treadwell, from the standing committee on Incorporations, to whom was referred the resolution relating to the late census of the United States, reported the same with an amendment.

On the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On motion of Mr. Perley—

Resolved, That the rules of the Senate be so far suspended that said resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Treadwell, from the select committee, to whom was referred the report and resolutions of the House upon the subject of the public land, bankrupt act and protective tariff, reported the same without amendment.

On the question, shall the resolution pass?

Mr. Batcheller demanded the yeas and nays.

Mr. Perley, at his request, was excused by the Senate from voting; he not having heard the report and resolution read.

Those who voted in the affirmative were Messrs. Treadwell, Hatch, Colby, Hale, McDaniel, Brown, Straw, Smith, Quincy and Warner.

Mr. Batcheller voted in the negative.

Yea 10. Nays 1.

So the affirmative of the question prevailed and the resolutions passed.

Ordered, That the clerk notify the House of Representatives accordingly.

The Senate proceeded to the consideration of the amendments to the foregoing title entitled Title XVII of the bill entitled, "Revised Statutes of the State of New Hampshire," sent up from the House.

On motion of Mr. M'Daniel—

Resolved, That the Senate recede from their amendment to said title numbered five.

On motion of Mr. Colby—

Resolved, That the Senate recede from their amendment to said title numbered nineteen.

On motion of Mr. Treadwell—

Resolved, That the Senate concur with the House of Representatives in their amendment to said title, to the amendment of the Senate, numbered *sixteen*.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Perley, from the standing committee on Claims, to whom was referred the resolution in favor of Atkinson Webster and others, reported the same without amendment.

On motion of Mr. Treadwell—

The resolution was laid on the table.

Mr. McDaniel offered the following resolution:

Resolved by the Senate and House of Representatives in General Court convened, That His Excellency the Governor be and hereby is authorized and requested, if he see cause, to appoint an agent or agents for the care of the public lands and the preservation of the timber thereon, in the counties of Grafton and Carroll which are not embraced in a similar resolution passed by the Legislature at its present session; and that the said agent or agents have the same power and duties as are prescribed in said resolution in relation to lands situated in the county of Coos.

Said resolution was read a first and second time.

On motion of Mr. M'Daniel—

Resolved, That the rules of the Senate be so far suspended, that the said resolution be read a third time at the present time without commitment.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred Title XXX of the bill entitled, "Revised Statutes of the State of New Hampshire," reported the same without amendment.

On the question,

Shall said title be read a third time?

It was decided in the affirmative.

So the title was ordered to a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Hatch—

The Senate resumed the consideration of the resolution, fixing on a day when the business of the two branches of the Legislature may be brought to a close.

Mr. Treadwell moved to amend said resolution by striking out

the words, "Wednesday twenty-first," and inserting instead thereof the words, "Thursday twenty-second."

On the question being put,
Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question, shall the resolution pass?
It was decided in the affirmative.

So the resolution passed.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Brown, from the standing committee on the Judiciary, to whom was referred the resolution, authorizing the secretary of state to employ clerks to prepare a copy of the Revised Statutes for the state printer, and appropriating twenty dollars for that purpose, reported the same with an amendment.

On the question being put,
Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question,
Shall said resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Perley—

Resolved, That the rules of the Senate be so far suspended, that said resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Treadwell, from the standing committee on Incorporations, to whom was referred the resolution relative to the distribution of the Revised Statutes, reported the same with an amendment.

On the question being put,
Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question, shall said resolution be read a third time?
It was decided in the affirmative.

On motion of Mr. Treadwell—

Resolved, That the rules of the Senate be so far suspended, that the resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

WEDNESDAY, DECEMBER 21, 1842.

147

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in the passage of a resolution, authorizing the publication of the laws in the Manchester Democrat, with an amendment, in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the amendment to the foregoing resolution, sent up from the House, authorizing the publication of the laws in the Manchester Democrat.

On motion of Mr. Brown—

Resolved, That the Senate concur with the House of Representatives in the adoption of their amendment to said resolution.

Ordered, That the Clerk notify the House of Representatives thereof.

Mr. Treadwell moved, that the Senate reconsider the vote passing the resolution, fixing on a day for the adjournment of the two branches of the Legislature.

On the question being put,
Shall said vote be reconsidered?
It was decided in the affirmative.
So the vote was re-considered.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in the adoption of their amendment to the resolution, authorizing the secretary of state to employ clerks to prepare a copy of the Revised Statutes for the public printer, and authorizing an appropriation for that purpose.

The House concur with the Hon. Senate in the passage of a resolution, relative to the protection of the public lands in the counties of Grafton and Carroll, from trespassers and other depredators.

The House concur with the Honorable Senate in the adoption of their amendment to the resolution relating to the distribution of the Revised Statutes.

The House have passed a resolution relating to the manner of passing the Revised Statutes, in which they ask the concurrence of the Honorable Senate."

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The Senate proceeded to the consideration of the foregoing resolution, relative to the manner of passing the Revised Statutes, sent up from the House of Representatives for concurrence.

On motion of Mr. Brown—

Said resolution was laid on the table.

On motion of Mr. Perley—

The Senate resumed the further consideration of the bill entitled, "An act to prolong the charter of the President, Directors and Company of the Portsmouth Bank."

Mr. Warner moved that the further consideration of said bill be indefinitely postponed.

But before the question was taken,

Mr. Warner withdrew his motion.

Mr. Perley moved that the further consideration of said bill be postponed to the next session of the Legislature.

On the question being put,

Shall said bill be so postponed?

It was decided in the affirmative.

So the further consideration of said bill was postponed to the next session of the legislature.

Ordered, That the Clerk notify the House of Representatives thereof.

On motion of Mr. M'Daniel—

The Senate resumed the further consideration of the bill entitled, "An act to prolong the charter of the President, Directors and Company of the Strafford Bank."

Mr. Treadwell moved that the further consideration of said bill be postponed to the next session of the legislature,

But before the question was taken,

On motion of Mr. M'Daniel—

Said bill was laid on the table.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in the adoption of their amendment to the resolution, relating to the distribution of the Revised Statutes."

On motion of Mr. Treadwell—

The Senate resumed the further consideration of the bill entitled, "An act to incorporate the Amoskeag Savings Bank."

The question being upon the passage of the resolution, reported by the committee on Banks, that the further consideration of the bill be indefinitely postponed.

On the question being put,

Shall the resolution pass?

It was decided in the affirmative.

So the further consideration of said bill was indefinitely postponed.

On motion of Mr. McDaniel—

Resolved, That the Senate now have a recess until seven o'clock this evening.

EVENING—7 O'CLOCK.

Mr. Colby, from the standing committee on Banks, to whom was referred the bill entitled, "An act to incorporate the President, Directors and Company of the Sullivan County Bank," reported the same with three several amendments.

Mr. Warner moved that the further consideration of said bill be postponed to the next session of the legislature.

On the question being put,

Shall the further consideration of said bill be postponed to the next session of the legislature?

Mr. Warner demanded the yeas and nays.

Those who voted in the affirmative are,

Messrs. Brown, Quincy and Warner.

Those who voted in the negative are,

Messrs. Treadwell, Hatch, Colby, Hale, M'Daniel, Perley, Straw, Batcheller and Smith.

Yea 3, nays 9.

So the negative of th question prevailed, and the Senate refused to postpone said bill to the next session of the legislature.

On the question being put,

Shall the *first* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *second* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question being put,

Shall the *third* of said amendments be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question, shall said bill be read a third time?

It was decided in the affirmative.

On motion of Mr. Smith—

Resolved, That the rules of the Senate be so far suspended, that said bill be read a third time at the present time.

Said bill was accordingly read a third time.

Resolved, That it pass and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. McDaniel—

The Senate resumed the further consideration of the bill entitled, "An act to prolong the charter of the President, Directors and company of the Strafford Bank."

Mr. Treadwell offered an amendment to said bill.

And on the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Warner moved that the further consideration of said bill be indefinitely postponed,

But before the question was taken,

Mr. Warner withdrew said motion, and moved that the further consideration thereof be postponed to the next session of the legislature.

On the question being put,

Shall the further consideration of said bill be postponed to the next session of the legislature?

Mr. Warner demanded the yeas and nays.

Those who voted in the affirmative are Messrs. Hatch, Hale, Brown, Straw and Warner.

Those who voted in the negative are Messrs. Treadwell, Colby, McDaniel, Perley, Batcheller, Smith and Quincy.

Yea 5. Nays 7.

So the negative of the question prevailed and the Senate refused to postpone the further consideration of said bill to the next session of the legislature.

On the question, shall said bill be read a third time?

Mr. Warner demanded the yeas and nays.

Those who voted in the affirmative are Messrs. Colby, McDaniel, Perley and Batcheller.

Those who voted in the negative are Messrs. Treadwell, Hatch, Hale, Brown, Straw, Smith, Quincy and Warner.

Yea 4, nays 8.

So the negative of the question prevailed and the bill was denied a third reading.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Brown—

The Senate resumed the further consideration of the resolution, fixing on a day when the business of the present session of the

legislature may be brought to a close.

Mr. Brown moved to amend said resolution, by striking out the words "Thursday the twenty-second," and inserting instead thereof the words "Friday the twenty-third."

On the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question, shall said resolution pass?

It was decided in the affirmative.

So the resolution passed.

Ordered, That the Clerk notify the House of Representatives thereof.

On motion of Mr. Treadwell—

The Senate resumed the further consideration of the resolution in favor of Atkinson Webster and others.

Mr. Colby offered an amendment to said resolution.

On the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question, shall said resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Colby—

Resolved, That the rules of the Senate be so far suspended, that the resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk inform the House of Representatives thereof.

Mr. Perley, from the joint select committee on Engrossed Bills, reported that they had carefully examined and find correctly engrossed, the following bill;

"An act to incorporate the proprietors of the Dover and Portsmouth Railroad."

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bill, reported as correctly engrossed by the committee on Engrossed Bills, and their clerk was directed to lay it before the Senate for the signature of their President.

Thereupon the President of the Senate signed said bill, and the same was delivered to the committee on Engrossed Bills, to be laid before the Governor for his approval and signature.

Mr. Colby, from the committee on Engrossed Bills, reported that they had presented the aforesaid bill, by them reported as correctly engrossed, to His Excellency the Governor for his approval and signature.

Mr. McDaniel, from the committee on Military Affairs, to whom was referred the resolution making an appropriation for the purpose of repairing the apparatus belonging to the field piece in the thirtieth regiment, made a report,

Whereupon—

Resolved, That the further consideration of said resolution be postponed to the next session of the Legislature.

Ordered, That the Clerk notify the House of Representatives thereof.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in their amendments to the following resolutions, to wit:

"A resolution fixing on a day when the business of the present session may be brought to a close;"

"A resolution in favor of Atkinson Webster and others;"

Mr. Warner offered a resolution relative to the recharter of existing banks,

Which was read,

On the question, shall said resolution pass?

It was decided in the negative.

So the resolution was rejected.

A message from the House of Representatives by their Clerk.

"Mr. President—The House of Representatives concur with the Honorable Senate in the passage of the bill entitled, "An act to incorporate the President, Directors and Company of the Sullivan County Bank;" with an amendment, in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the amendment to the foregoing bill entitled, "An act to incorporate the President, Directors and Company of the Sullivan County Bank."

On motion of Mr. Treadwell—

Resolved, That the Senate concur with the House of Representatives in the adoption of their amendment to said bill.

Ordered, That the Clerk inform the House of Representatives thereof.

A message from the House of Representatives by their Clerk:

Mr. President—The House of Representatives have passed a resolution in favor of Joseph Robinson, in which they ask the concurrence of the Honorable Senate.”

The Senate proceeded to the consideration of the foregoing resolution, sent up from the House of Representatives for concurrence, in favor of Joseph Robinson.

Which was read a first and second time.

Ordered, That it be referred to the committee on Claims.

On motion of Mr. Brown—

Resolved, That when the Senate adjourn this evening, it be to meet again to-morrow evening at six o'clock.

On motion of Mr. Brown—

The Senate adjourned.

THURSDAY, DECEMBER 22, 1842.

EVENING—SIX O'CLOCK.

On motion of Mr. Treadwell—

Resolved, That the Senate dispense with the reading of the journal of yesterday.

On motion of Mr. Treadwell—

Resolved, That the rules of the Senate be so far suspended, that he may be permitted to introduce a bill entitled, “An act in addition to, and in amendment of an act entitled, an act to incorporate the President, Directors and Company of the Sullivan County Bank.”

Agreeably to the foregoing resolution, Mr. Treadwell introduced a bill entitled, “An act in addition to, and in amendment of an act entitled, an act to incorporate the President, Directors and Company of the Sullivan County Bank,”

Which was read a first and second time.

On motion of Mr. Treadwell—

Resolved, That the rules of the Senate be so far suspended,

that said bill be read a third time at the present time, without commitment.

Said bill was accordingly read a third time.

Resolved, That it pass, and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in the passage of a bill entitled, "An act in addition to and in amendment of an act entitled, "An act to incorporate the President, Directors and Company of the Sullivan County Bank."

Mr. Perley, from the standing committee on Claims, to whom was referred the resolution in favor of Joseph Robinson, reported the same with an amendment.

On the question being put,

Shall said amendment be adopted?

Mr. Colby demanded the yeas and nays.

Those who voted in the affirmative are Messrs. Colby, Perley, Batcheller, Smith and Quincy.

These who voted in the negative are Messrs. Treadwell, Hatch, McDaniel, Brown, Straw and Warner.

Yea 5, nays 6.

So the negative of the question prevailed, and the amendment was rejected.

Mr. Brown offered a further amendment to said resolution;

On the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

Mr. Colby offered a further amendment to said resolution;

On the question being put,

Shall said amendment be adopted?

It was decided in the affirmative.

So the amendment was adopted.

On the question, shall said resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Straw—

Resolved, That the rules of the Senate be so far suspended, that said resolution be read a third time, at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives, having put upon its second reading Title II of the bill entitled, "Revised Statutes of the State of New Hampshire," have adopted sundry amendments thereto, and have passed the same to a third reading; in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the amendment to the foregoing title, entitled Title II of the bill entitled, "Revised Statutes of the State of New Hampshire."

On motion of Mr. Treadwell—

Resolved, That the Senate concur with the House of Representatives in the adoption of said amendments.

Ordered, That the Clerk inform the House of Representatives thereof.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives, having put upon its second reading Title VI of the bill entitled, "Revised Statutes of the State of New Hampshire," have passed said title to a third reading with sundry amendments, in which they ask the concurrence of the Honorable Senate."

On motion of Mr. Brown—

The Senate proceeded to the consideration of the amendments to the foregoing title, entitled Title VI of the bill entitled, "Revised Statutes of the State of New Hampshire."

On motion of Mr. Brown—

Resolved, That the Senate concur with the House of Representatives in the adoption of said amendments.

Ordered, That the Clerk notify the House of Representatives thereof.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives having put upon its second reading Title XXIII of the bill entitled, "Revised Statutes of the State of New Hampshire," have passed said title to a third reading with sundry amendments, in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the amendments to the foregoing title, entitled Title XXIII of the bill entitled, "Revised Statutes of the State of New Hampshire."

On motion of Mr. Treadwell—

Resolved, That the Senate concur with the House of Representatives in the adoption of said amendments.

Ordered, That the Clerk inform the House of Representatives thereof.

On motion of Mr. M'Daniel—

Resolved, That the Engrossing Clerk be directed to bring into the Senate Chamber Title XII of the bill entitled, "Revised Statutes of the State of New Hampshire."

Said title was accordingly laid before the Senate, who proceeded to the consideration of an amendment, made by the House of Representatives, which was accidentally overlooked.

On motion of Mr. Brown—

Resolved, That the Senate concur with the House of Representatives in the adoption of the 9th section in the 81st chapter of the foregoing title, which by accident was overlooked, when said title was on its second reading in this body.

Ordered, That the Clerk inform the House of Representatives thereof.

On motion of Mr. Smith—

The Senate resumed to the consideration of the resolution relative to the Connecticut River Bank.

Mr. Treadwell moved that the further consideration of said resolution be postponed to the next session of the legislature.

On the question being put,

Shall said resolution be postponed to the next session of the legislature?

It was decided in the affirmative.

So the further consideration of said resolution was postponed to the next session of the legislature.

The following resolution laid upon the table by Hon. James Batcheller, Senator from district No. 9, was read by the Clerk and unanimously adopted.

Resolved, That the thanks of the Senate be presented to the Honorable Josiah Quincy, for the very able, impartial and satisfactory manner in which he has discharged the responsible duties that have devolved on him as presiding officer during the two sessions of the Senate, the present year.

To which the President replied :—

Senators—The kindness manifested by you in elevating me to

the high position which I have occupied, in the aid which you have constantly afforded me, in the respect which has been shown to me by you all, and in the expression of your approbation of my official conduct which you have just given, creates within my bosom feelings of heartfelt gratitude, not easily repressed. I can only say I thank you.

Senators, the business which has engaged your attention the present session of the legislature, has been of the highest importance. You have passed upon all the laws which in any way affect your constituents in the various relations of life which they sustain. While you have most faithfully watched over and guarded the rights of the most humble individual of the community, you have also endeavored to protect and foster the great and sacred interest of the State by a policy as enlarged and liberal as could be adopted consistently with a due regard to the interests and rights of all. To consummate a work of such magnitude, much time and labor must necessarily be required, and it is a subject of congratulation that it has been so successfully accomplished.

Senators, I have no doubt but that the elevated motives by which you have been actuated in the discharge of your duties, the unwearied pain and labor which you have bestowed on the work assigned you, will be duly appreciated, and that the result of your labor will receive the approbation of your constituents.

Senators, the high sense of propriety and the courteous and gentlemanly bearing which has characterised all your intercourse with each other and with me, has been to me a source of unalloyed gratification, and has rendered my position pleasant and desirable. We are now about to separate. The relation we sustain to each other here will be broken, and at parting be pleased to accept assurances of my unfeigned respect and regard, and of my sincere desire for your future welfare and happiness.

Mr. Perley, from the joint standing committee on Engrossed Bills, reported that they had carefully examined and find correctly engrossed the following resolutions, to wit:

"A resolution relating to the proceeds of the sales of the public lands;"

"A resolution relating to the franking privilege;"

"A resolution relating to the printing of the public acts and resolutions;"

"A resolution in favor of Isaac L. Folsom and others;"

"A resolution directing the Secretary of State to distribute the Revised Statutes;"

"A resolution instructing the Governor to appoint an agent to

take care of the public lands in the counties of Grafton and Carroll;"

"A resolution requiring the engrossing clerk to furnish the State printer with a copy of the Revised Statutes;"

"Sundry resolutions relating to the proceeds of the sales of the public lands, the bankrupt bill and the tariff;"

"A resolution relating to the last census returns;"

"A resolution relating to the printing of the Revised Statutes;"

"A resolution relating to the circulation of small bills;"

"A resolution in favor of Atkinson Webster and others;"

"A resolution fixing upon a day when the business of the present session may be brought to a close."

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing resolutions, reported as correctly engrossed by the committee on Engrossed Bills, and their clerk was directed to lay them before the Senate for the signature of their President.

Thereupon the President of the Senate signed said resolutions and the same were delivered to the committee on Engrossed Bills, to be laid before the Governor for his approval and signature.

Mr. Colby, from the joint standing committee on Engrossed Bills, reported that they had presented the aforesaid resolutions, by them reported as correctly engrossed, to His Excellency the Governor, for his approval and signature.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Honorable Senate in the adoption of their amendment to the resolution in favor of Joseph Robinson."

Mr. Perley, from the joint standing committee on Engrossed Bills, reported, that they had carefully examined, and find correctly engrossed, the following bills and the following resolutions, to wit:

"An act to incorporate the President, Directors and Company of the Sullivan County Bank;"

"An act in addition to, and in amendment of an act to incorporate the President, Directors and Company of the Sullivan County Bank;"

"A resolution in favor of Joseph Robinson."

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bills and resolution, reported as correctly engrossed by the committee on Engrossed Bills, and their Clerk was directed to lay them before the Senate for the signature of their President.

Thereupon the President of the Senate signed said bills and res-

olution, and the same were delivered to the committee on Engrossed Bills, to be laid before the Governor, for his approval and signature.

Mr. Colby, from the joint standing committee on Engrossed Bills, reported that they had presented the aforesaid bills and resolution, by them reported as correctly engrossed, to His Excellency the Governor, for his approval and signature.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed a bill entitled, "REVISED STATUTES OF THE STATE OF NEW HAMPSHIRE," in which they ask the concurrence of the Honorable Senate."

The Senate proceeded to the consideration of the foregoing bill, sent up from the House of Representatives for concurrence, entitled, "Revised Statutes of the State of New Hampshire."

On motion of Mr. Brown—

Said bill was read a third time by its title.

On the question being put,

Shall said bill pass?

It was decided in the affirmative.

So the bill passed.

Resolved, That the title of the bill be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Perley, from the joint standing committee on Engrossed Bills, reported that they had carefully examined and find correctly engrossed a bill entitled,

"Revised Statutes of the State of New Hampshire."

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bill, reported as correctly engrossed by the committee on Engrossed bills, and their Clerk was directed to lay the same before the Senate, for the signature of their President.

Thereupon the President of the Senate signed said bill, and the same was delivered to the committee on Engrossed Bills, to be presented to His Excellency the Governor, for his approval and signature.

Mr. Colby, from the joint standing committee on Engrossed Bills, reported that they had presented the aforesaid bill, by them reported as correctly engrossed, to His Excellency the Governor, for his approval and signature.

On motion of Mr. Hatch—

Resolved, That when the Senate adjourn this evening, it be to meet again to-morrow morning at seven o'clock.

On motion of Mr. Hatch—

The Senate adjourned.

FRIDAY, DECEMBER 23, 1842.

[Seven o'clock, A. M.]

On motion of Mr. Smith—

Resolved, That the Senate dispense with the reading of the journal of yesterday.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have appointed Messrs. Atwood of Hillsborough, Butler, Allen, Tebbeus of Gilman, Wiggins of Ossipee, Page, Barber, Little, Clark of Landaff, and Pike, a committee, with such as the Senate may join, to wait on His Excellency the Governor, and inform him that the business of the present session of the Legislature is finished, and that both branches of the Legislature are now ready to be adjourned to the last Wednesday of May next; in which they ask the concurrence of the Honorable Senate."

On motion of Mr. Straw—

Resolved, That the Senate concur with the House of Representatives in the appointment of a joint select committee to wait on His Excellency the Governor and inform him of the readiness of the Legislature to adjourn.

Ordered, That Messrs. Treadwell, Straw and Warner be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Treadwell, from the joint select committee, appointed to wait upon His Excellency the Governor, and inform him of the readiness of the Legislature to adjourn to the last Wednesday of May next, reported that they had attended to the duty assigned them.

A message from His Excellency the Governor, by Mr. Stevens, Secretary of State.

To the Senate and House of Representatives:

The session of the Legislature which is soon to terminate, has been one of great labor and of great responsibility. Within the last fifty-two days the revision of our entire code of statute laws has been accomplished, with such other special legislation as the wants of our people demanded. I have given to each title of our Revised Statutes and to every other legislative act and resolution, which you have passed at this session and which has been presented to me, a careful examination, and they have all received my approval. And having been informed through your joint committee that you have finished the public business before you and are now ready to be adjourned, I do therefore, by virtue of the authority conferred upon me by the constitution of this State and in accordance with your wishes, as signified by your committee, adjourn this Legislature to the last Wednesday of May next. As we are soon to separate and in all probability never again to meet on earth, I cannot permit the opportunity to pass without an expression of the high respect and abiding interest I feel for the individual members of this Legislature.

My best wishes will attend you through life, and may you all be returned in safety to your families and friends, and continue to enjoy Heaven's choicest blessings while you shall here sojourn, and when you and I shall have finished our course on earth, may we be permitted to meet in the world to come, and there made the recipients of happiness unalloyed.

HENRY HUBBARD.

Council chamber, }
December 23, 1842. }

The President then declared the Senate adjourned to the last Wednesday of May next.

Attest,
ISAAC L. FOLSOM, Clerk.

1870-1879: Old

APPENDIX.

REPORT

Of the committee of the Senate, to whom was referred that portion of the Governor's message relative to the distribution of the proceeds arising from the sales of the Public Lands,

REPORT.

By an act of the Congress of the United States, approved September 4th, 1841, the State of New Hampshire is entitled to the sum of \$9,955 14, it being her proportion of the proceeds of the sales of the public lands, agreeably to the provisions of said act distributing the net proceeds arising therefrom, amongst the several States. The proceeds arising from these sales have heretofore gone into the treasury of the United States, and like all other sources of revenue have been applied to defray the expenses of the general government. This disposition of the funds arising from this source, has been beneficial to all parts of the country, all deriving the equal benefits resulting from its appropriation towards the general expenditure. The proposition, therefore, to distribute this source of revenue, aside from the question of its constitutionality, is one of extreme folly, burthensome to the people of the several States, to whom it holds out the prospect of receiving as a gift from the general government, a small pittance, to be again returned to the treasury of the United States in a two fold ratio by the imposition of additional taxes, imposed upon the people by a high tariff, to supply the deficiency created in the treasury by this iniquitous and unjust distribution of an important portion of the revenues of the country, designed for the "common benefit" of all the States. Perhaps the inquiry might with great propriety be made, if there is now, or for some time to come, is it likely that there will be any net proceeds arising from this source of the public revenue? So far, it is believed the general government, instead of deriving any profits from the sales of

the public lands, has actually suffered much loss. By official documents, it appears that the cost of these lands to the government up to Sept. 30, 1839, exclusive of the cost of the Indian wars, growing out of the purchase and the settlement of treaties with the various Indian tribes claiming the titles to these lands, and their removal from them was \$135,055,025 04, and that the gross receipts amounted to the sum of \$116,198,179 15, leaving a balance due to the treasury of \$18,856,845 89, an important item in the present embarrassed state of our national treasury. That Congress possesses no power to collect revenue for the purpose of distribution, will not be questioned by any one who is at all familiar with the powers delegated to it by the constitution of the United States. The receipts from customs may with as much propriety be distributed among the several States, as those derived from the sales of the public lands, both being sources of revenue designed to meet the current expenses of the general government. A large portion of the money expended for the purchase of the Indian titles to these lands, was derived from the customs. If Congress possesses no power to distribute revenue thus collected, that power could not be acquired by the purchase of, or by the sale of these lands, because to admit the right of Congress to distribute the proceeds arising from these sales, would be in fact to contend that Congress might tax the people to any extent for the purpose of distribution, providing that instead of directly distributing the revenue derived from customs, they first expended the moneys thus received in the purchase of lands, the proceeds of the sales of which they then distributed. There is no difference in the principle between a distribution arising from the sale of lands purchased with the funds of the general government, and that of a direct distribution of the revenues of the country derived from other sources. Congress has undoubtedly the right to raise revenue to meet the necessary expenditures of the general government, but this right so necessary to sustain the government, was never designed to confer upon it the power to distribute any portion of that revenue to the several States. The extreme folly of conferring such a power, must be apparent when it is remembered, that for every dollar thus distributed, it becomes necessary to impose additional taxes upon the people to supply the deficiency thus created, and that in order to return to the treasury the amount thus abstracted, the people are obliged to pay all the expenses of its re-collection.

"That portion of the public lands, lying within the territories of Iowa, Florida, and west of Mississippi, the States of Louisiana, Alabama, Mississippi, Arkansas and Missouri were acquired by

purchase from France and Spain and the Indian tribes, and paid for out of the United States treasury." They have thus become the property of the general government and constitute a fund which should be sacredly preserved, to meet the expenses of that government, and thus relieve the people of an important item in the amount of taxes imposed upon them for its support.

One argument often adduced in favor of a distribution of the proceeds of the sales of the public lands, is that many of those lands were ceded by the States to the Union, and consequently that the proceeds arising from these sales should be distributed among the several States. These lands, it should be remembered, were ceded for the common benefit of the United States. In no way can the funds arising from the sales of these lands be disposed of with equal advantage to all the people of all the States, or for the *common* benefit of the Union, as by being applied to defraying the necessary expenditures of the general government. Congress, by a resolution of the 10th of October, 1780, declared, "that the unappropriated lands which may be ceded to the United States by any particular State, shall be disposed of for the *common* benefit of the United States." This solemn pledge, thus given by Congress to the States making the cessions, was most wantonly violated when that body *assumed* the power to distribute among the States a fund designed for the "*common* benefit of the whole Union, and one which they were bound by every principle of honor to appropriate in the manner, in which Congress itself had declared it should be appropriated, if ceded by the States. The State of Virginia insisted on a guaranty from Congress, that the lands ceded should be disposed of for the *common* benefit of all the States, and consented to make her cession with this express understanding; to prevent all cavil, she stipulated that it should constitute a *common* fund. In her deed of cession she says; "That all lands within the territory so ceded to the United States, shall be considered a *common* fund, for the use and benefit of such of the United States as have become or shall become members of the confederation, or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, *and for no other purpose whatsoever.*" By distributing to the States the revenue received from the sales of the lands thus ceded, the moneys derived from those sales instead of being applied to "the general charge and expenditure of the United States," to which object and *no other*, as appears by the deeds of cession they were to be applied, are received into the treasuries of the several States, and instead of

constituting a source of revenue to the United States, become a part of the revenues of each State and may be appropriated by the several State Legislatures, not to defray "the *general charge and expenditures*" of the whole Union ; but to defray the expenses of the State government, or to be applied towards the extinguishment of the debts of the several States. Other States ceded their claims to the general government on the same ground as Virginia, and "for the express purpose of contributing towards a permanent revenue for the Union." This source of revenue, designed to be permanent, is entirely cut off by the adoption of a system of distribution, and the necessity of resorting to the imposition of additional taxes upon the people must be the necessary consequence of an act, which draws from the United States treasury an amount estimated to average yearly between three and four millions of dollars. Who does not see that this amount drawn from the general treasury, to be given to the several States, must create a deficiency in that treasury which must be supplied from some other source, and the folly of that government is plainly exhibited, which instead of applying its resources towards the payment of its own debts, or to meet its own current expenses, distributes an important amount of its revenues, with no other object in view than to create a necessity to collect from its citizens an amount equal to that distributed, together with an additional sum sufficient to defray the expenses attendant upon returning to *that same treasury* the money thus wickedly, wantonly and unjustly abstracted from it.

The power of Congress to make this distribution, notwithstanding its injustice, its folly and the additional burthens thrown upon the people in consequence of the adoption of such a system, is claimed by a large portion of the citizens of the United States. The reasons urged for the adoption of a system so unjust in its operations, are, the right that Congress possesses over this whole subject, and the peculiar circumstances in which many of the States have been thrown by a reckless and mad system of internal improvements carried beyond the bounds of reason, involving immense expenditures of money on objects in many cases entirely uncalled for and worse than useless, and plunging the States into an amount of indebtedness, from which they can by strict economy and the persevering industry of their own citizens only be relieved. The power claimed by Congress over this whole subject is not, however, so clear as those who advocate the system would have us believe. That clause of the constitution under which the power is claimed, if it is to be construed as giving to Congress the power to distribute to the several States, the

proceeds arising from the sale of the public property of the Union, is indeed a power dangerous in its tendency, and might, in the hands of a corrupt Congress, be used to destroy the rights of the States, to make those States dependent upon the bounty of the general government for their very existence, and be used to impose upon the people an amount of taxes which would palsy all their energies, and reduce them to a condition worse than that of the serfs of Russia. The clause referred to reads ; "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or *other property* belonging to the United States." Will it be contended, that under this clause Congress possesses the power to dispose of the property of the Union, other than that of the public lands, and distribute the same to the several States ? And yet the power given to Congress over the "*other property*" is as broad and extensive as that conferred upon them over the public lands. If they possess the power to distribute money from the treasury obtained by the sale of a particular description of property, they also possess the power to distribute the moneys arising from the sales of any and of every description of property belonging to the general government. Can it be that a power so extensive, and one which places at the disposal of Congress the property of every individual in the community, was intended to be conferred upon it by the framers of our constitution? For if Congress possesses the power claimed, they may impose taxes to any extent, not for the purpose of raising revenue, but for the purpose of converting that revenue into some description of property, to be afterwards disposed of for the very purpose of distributing the proceeds arising from the sale of that property, among the several States.

The indebtedness of many of the States has been urged as a reason why Congress should exercise this power, and thus relieve those States from their present embarrassments. This reason would hardly be deemed a sufficient one for the exercise by Congress of a power not delegated to it ; but even granting to Congress this power, the relief thus furnished to the indebted States would be trifling and unimportant. The amount of indebtedness of the several States is estimated at \$200,000,000. If the proceeds of the sales of the public lands should amount to the sum of \$3,000,000 annually, the proportion which the indebted States would receive, would amount to about 2,000,000 of dollars, a sum which would pay only one sixth part of the annual interest of the debts due from the several States, and altogether insufficient to relieve them from their present embarrassed condition ; nor would this amount, annually distributed to the States, restore con-

fidence in State securities. Confidence in State credits has been lost by the reckless manner in which they have plunged into debt, by the extravagant expenditures which they have made, and by a system adopted of placing State securities in the hands of our modern "*Shylocks*," to be disposed of on almost any condition, provided the money, or in some instances, the promise of a worthless bank could be procured in exchange for it. Confidence in State credits, will only be restored by a resort on the part of the indebted States to taxation. When it is known that the indebted States are determined to fulfill their obligations, and that they have and will continue to provide the means necessary to meet all their liabilities, then, and then only, will confidence be again restored, and the people of the several States will no longer be pained by beholding the securities of their respective States hawked about for sale from one extremity of the country to the other, as things of comparatively no value.

Perhaps one of the strongest reasons (aside from the unconstitutionality of the system of distribution) which could be urged against the exercise of this power by Congress, was the fact, that this source of the public revenue could not well be spared from the treasury at the time of the passage of the act. The treasury itself was declared to be in a state of absolute bankruptcy, and so pressing were the demands upon it that an act was passed at the same Congress, authorizing a loan to the amount of several millions of dollars beyond the amount directed to be distributed, and the agents of government sent in all directions to procure the loan at the same time that the process of distribution was going on, or the revenue from the sale of the public lands was being collected for the purpose of being distributed.

By the passage of the act of Sept. 4th, 1841, which authorizes the appointment of an agent by the Governor or by the Legislature, "to receive from the United States Treasury the amount belonging to New Hampshire under the provisions of said act," His Excellency the Governor having declined, as appears by his communication addressed to the Senate and House of Representatives, to appoint such agent, the question presents itself, whether the Legislature will appoint an agent and direct the receipt into the treasury of this State, of the amount belonging to New Hampshire, agreeably to the provisions of the act of Congress.

However desirable it might be that the citizens of this State should be relieved of taxation to the amount of this fund, \$9,955,14, yet the committee cannot recommend either the appointment of an agent or the reception of the money by the Legislature, believing that the people of this State have already sufficient-

ly experienced the *curse*, by the reception of the surplus money at the session of 1836-7, which must ever attend monies coming into our State Treasury by donations from the general government. By receiving monies thus distributed, the legislature are in fact lending their countenance to a system of taxation, so far as our State expenditures are concerned, that is not only new, but operates unequally upon the people. Under our system of taxation for the support of the State government, the tax falls upon those who possess property; but the money obtained from the people for the purchase of the public lands was raised by a tax upon articles of consumption, and the amount of this tax thus paid by the poor man is equal, and in some instances more than that paid by the rich. When received into the State Treasury and expended for State purposes, it goes to relieve from his just proportion of the public burthen the wealthy man, and indirectly taxes the poor man, not according to the amount of property he may possess, but according to the amount of the dutiable articles which he may consume. Should this system continue, should New Hampshire take her proportion of the spoils, and should that proportion hereafter amount to a sum sufficient annually to pay our whole State expenses, then our whole system of State taxation would be changed, and our citizens, instead of paying a tax in proportion to their property, would be indirectly taxed *per capita*. The State would, by the adoption of this system, become a dependent on the general government, and humbly look, year after year, to that government for its pittance, wherewith to pay the salaries of our Governors, Legislatures and magistrates.

The constitutionality of the act of Congress of the United States of Sept. 4, 1841, has well been questioned. Should New Hampshire therefore consent to receive her proportion of this fund by that act, she tacitly acknowledges the power claimed for Congress to authorize this distribution. It is to be hoped that by no act on the part of the Legislature, they will aid in imposing upon the country a permanent system of distribution, degrading to the States, unjust in its operation, and having for its object the imposition of additional burthens upon the people, who must and will be taxed to supply the deficiency created in the U. S. Treasury, by distributing to the States so important a source of revenue as is that derived from the proceeds of the sales of the public lands.

T. P. TREADWELL,

for the committee.

Resolved, by the Senate and House of Representatives in General Court convened, That the Congress of the United States are

not authorized by the constitution to pass any act, distributing to the States "the proceeds arising from the sales of the public lands or that arising from the sales of any other description of property belonging to the United States ; and that the adoption of such a system tends to impoverish the treasury and create a necessity for the imposition of additional taxes upon the people, altogether unnecessary, if this source of revenue was applied to the general charge and expenditure of the United States.

Resolved, That this Legislature hereby decline to receive that portion of "the proceeds of the sales of the public lands," assigned to the State of New Hampshire, agreeably to the provisions of the act of Congress, entitled, "An act to appropriate the proceeds of the public lands and to grant pre-emption rights," approved September 4, 1841, and that our Senators in Congress be instructed, and our Representatives requested to use their best exertions to have the same applied to the general charge and expenditure of the United States ; and that they be requested to lay these resolutions before both houses of Congress.

In Senate, Dec. 6, 1842.

The foregoing report and resolutions having been read, were adopted.

ISAAC L. FOLSOM, Clerk.

House of Representatives, Dec. 16, 1842.

The foregoing report and resolutions having been read, were adopted.

H. HIBBARD, Clerk.

Mr. Batcheller, from the minority of the committee to whom was referred the subject of the Public Lands, made the following

REPORT :

Mr. President: As the majority of the select committee, to whom was referred so much of His Excellency the Governor's message as relates to the distribution of the proceeds of the public lands, have

made a report accompanied with resolutions, declaring the act of Congress to be unconstitutional, and recommending that the legislature of New Hampshire should refuse to receive their share, viz: the sum of nine thousand nine hundred and fifty-five dollars and fourteen cents. Being a member of the committee, and feeling compelled to differ from the majority in regard to the doctrine promulgated, and attempted to be sustained by their report and resolutions, I respectfully ask leave to present to the Senate, in a very brief and imperfect manner, in the form of a counter report, some of my views on the subject. The report and resolutions, in rather a summary manner, declare the act of Congress to be unconstitutional. In answer to this, I might reply in an equally brief manner, that the legislature of New Hampshire is not the legal tribunal to settle this question, as that is a question belonging legitimately and exclusively to the Supreme Court of the United States. It is well known that a portion of the public lands was acquired by a voluntary session on the part of some of the original States. It is contended that the act of distribution is a violation of the terms of cession. So far from this being the fact, a recurrence to the terms of cession will show the reverse to be the case. On the 10th of Oct. 1780, Congress passed the following resolution:—

“*Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States by any particular State pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the benefit of the United States.”

New York was the first to cede, which was on the 1st day of March, 1781. The terms of cession were that the lands were to be held “to and for the only use and benefit of such of the States as are, or shall become parties to the articles of confederation.” Virginia was the next, who ceded in 1784 by an act of the legislature, passed in 1783. She required that the lands ceded by her should be disposed of for the “common benefit,” for the “use and benefit of such of the United States as have been, or shall become members of the confederation.” Georgia made her cession in 1802; her terms are, that the lands so ceded “be considered as a common fund, for the use and benefit of the United States, Georgia included, and shall be faithfully applied for that purpose and for no other use or purpose whatever.” It appears to me, and I think it must to every one, that the act of distribution is in exact literal conformity to the above terms of cession of the above States. But it is contended that as a portion of the public lands was purchased by money drawn from the public

treasury, therefore, whenever any portion is sold, the avails must be returned to the national treasury, and can be taken therefrom only for the purpose of defraying the expenses of the Government. Now the very statement of this objection carries with it its own refutation. For, if this argument is sound, it proves that Congress had no right to purchase a single acre of the public lands and draw money out of the treasury to pay for it. Thus, if this argument is tenable, it annihilates the very basis of the subject in controversy. But history proves that Congress has widely differed from the doctrines promulgated by the committee. In numerous instances they have appropriated large portions of the public lands to the exclusive benefit of individuals and corporations. I would mention the large grant made to the ever to be remembered patriot Lafayette, also a township to the institution for the deaf and dumb, at Hartford, the large tract granted to the Cherokees, and other tribes of Indians. Congress has granted to the State of Ohio over nine hundred thousand acres, and to the State of Illinois four hundred and eighty thousand acres. To the State of Michigan, as a school fund, every 16th section of land in each township, estimated to amount to one million acres; the minimum price of which is \$5 per acre. Besides this an additional grant was made of forty-eight thousand acres of choice land to endow her university, the minimum worth of which was \$12 per acre. These two items amount to the enormous sum of 5,576,000 dollars. But this is not all, for I have not included the 10 per cent. which she and all the States in which the public lands are situated, receive on all sales within their limits by the terms of distribution. Does Michigan or any of the above States, and others that I might mention, show any signs of squeamishness or reluctance at receiving such an enormous, such a disproportionate amount in comparison with the small pittance meted out to New Hampshire? No, not in the least, they exhibit no signs of being surfeited; they truly seem to possess the stomach of the cormorant. Shall New Hampshire be thrown into a paroxysm of dyspepsy and reject the crumb that is offered her? I present these statements to show that every Congress and every administration have exercised unlimited control over the public lands. Whether Congress have acted impartially in making special grants for special and not general purposes, is not the question before us. But the question is, whether the act under consideration metes out equal and impartial justice to all the States. I contend it does strictly.

It is not known that any State has as yet declined to comply with the provisions of the law by refusing to receive its just share. Why should New Hampshire alone make the sacrifice? Will she ac-

knowledge any delinquency, heretofore, in bearing her full share of the public burden? Then why this uncalled for generosity? Surely the state of our finances does not favor such liberality. Congress has not only made special grants of portions of the public lands for individual purposes, but they have taken money from the treasury, and distributed to individuals. I would mention the grant of fifty thousand dollars to the sufferers of the city of Alexandria after a destructive fire.

The report says that for every dollar thus distributed, it became necessary to impose additional taxes on the people! Is this correct? The sales of the public lands have varied from less than one million up to thirty, yearly; perhaps the average would be from two to three millions. The annual expenses of the government for the last eighteen years have varied from thirteen to forty millions. Thus all can see that some other more productive and less fluctuating method must be devised for the support of government. The best method of raising a revenue for this purpose, I shall not here discuss, as it is not the subject now under consideration. What I am contending for is, that if there is a power existing anywhere capable of controlling and disposing of the public lands, that power is legitimately lodged in the general government. If it does not rest there, I would like to know where it does. I have shown that they have exercised such power in a variety of forms. Whether every grant made by Congress can be defended upon the principles of equality to all the States, is a question foreign to the one now before us. We are now considering the late act of Congress, distributing the proceeds of the public lands.

Are not all its provisions founded on the principles of perfect equality to all the States, with the single exception of allowing ten per cent. to the States in which the lands are situated? Many topics are introduced in the report, which it will not be expected I shall here discuss. I refer to what is said in regard to a high tariff, its identity with taxation, the oppression of the poor, internal improvement, a bankrupt treasury, &c. &c. A protracted discussion of these abstruse subjects would not be calculated to shed any light in regard to the constitutionality of the act of Congress, nor enable us any better to decide the question whether it would be wisdom in New Hampshire to refuse to accept her just and equal proportion of the proceeds of the sales of the public lands, even should every other State in the Union receive its share.

The report of the majority of the committee contains a statement, which I think is not sufficiently definite and explicit to guard

against misapprehension. It states that the proceeds of the sales of the public lands have fallen short of the expenditure to the amount of over eighteen millions of dollars, up to September, 1839.

The following is from the report of the Secretary of the Treasury:—

"The amount of money which has been paid by the United States for the public lands, up to 1832, including the payments made under the Louisiana and Florida treaties, in fulfilments of contracts with the Indian tribes, also for expenditures for Commissioners, clerks, surveyors and other officers employed in the management and sale of the public lands, amounted to the gross sum of forty-eight millions seventy-seven thousand dollars."

This includes the whole purchase of Louisiana and Florida, Indian titles, &c. The amount of money received at the treasury, as the proceeds of the sales of the public lands up to Sept. 30, 1831, was thirty-seven millions two hundred and twelve thousand dollars, making a balance against the treasury of a little over eleven millions of dollars. So great has been the amount of sales, during the period since the above official report was made, that at this time the balance must be in favor of the receipts. The amount of the public land, in 1832, lying within the new States and Territories, was over three hundred and forty millions of acres. The quantity of public lands beyond those limits, amounted to seven hundred and fifty millions of acres; showing the whole amount of public lands to be a grand total of over one thousand and ninety millions of acres. We all know that strenuous efforts have been made to wrest this vast domain, this immense amount of property, from a portion of its rightful owners, and unjustly give it to those States in which it is situated. And sorry I am, that I can say, this course has been recommended by those occupying the highest stations in the gift of the American people. I mean the executive and members of the legislative departments of the general government. I refer to the message of the President in Dec. 1832, and also to debates in Congress. In my opinion it was the imperative duty of these functionaries to vigilantly guard, protect and preserve the very property which they recommended to give away. It will doubtless be the policy of those States, desirous of having the public lands within their territory ceded to them, to impress upon the public mind the belief that these lands are a charge on the treasury, and that, on the principle of good economy, they ought to be given up. Only cause such a belief to become general, and this grand scheme of robbery will be accomplished. I confess I have my fears on this subject. The project

is not put to rest, it will be brought forward again and again, with all the art and sophistry that self interest can invent. And stranger things have appeared, than that the present members of this Senate should live to see the wicked deed consummated. An honest apprehension that such an unjust scheme might be accomplished, might perhaps have had some influence with those who voted for the distribution.

The idea that the expense attending the sales of the public lands, absorbs all the profits, is entirely fallacious. This is proved by the result of the present distribution. The amount distributed is about eight hundred and thirty-seven thousand dollars—the expenditure is about two hundred and twenty thousand dollars—being but a trifle over one quarter—and this is doubtless double the per cent. that it would have been, had the sales been as large as usual.

It ought to be borne in mind, that if New Hampshire refuses to receive her share, it will not change or abolish the law, nor prevent other States from accepting their just proportion. New Hampshire will be guilty of no injustice to the other States by receiving her share. By the laws of the land, this money belongs to her as much as the State tax that is annually collected from the people of the several towns. To refuse to receive it, and apply it to the "general charge and expenditure" of our own State, as we have a right so to do, when at the same time *we recommend* that "it be applied to the general charge and expenditure of the United States," is a breach of trust to the people of New Hampshire. We have been notified that the money is ready for us; in fact it is as much ours and as much under our control, as if it were in our State treasury; and it is as much our duty to guard and preserve it as it is any species of property belonging to the State. In my opinion we cannot excuse ourselves to our constituents by passing a resolve that the act is unconstitutional. This power is expressly assigned by the constitution to the Supreme Court. Every person has an undoubted right to form and express whatever opinion he pleases in regard to the constitutionality of any law or measure. But when any department of government leaves its legitimate sphere, and assumes the province of deciding questions that are by the constitution expressly assigned to another department, disorder, anarchy and a state of insurbordination must inevitably ensue. We all profess to admire, venerate, and to preserve inviolate the constitution of the United States.—If we look into it we shall find the following important provisions:—

"This constitution and the *laws of the United States* which shall be made in pursuance thereof, shall be the supreme law of the

land—any thing in the constitution or laws of any State to the contrary notwithstanding."

But it is said that for every dollar distributed, a tax of an equal amount must be levied on the people.—Were this in fact the case, not a voice would be heard in favor of distribution. And I will hazard the assertions that not an individual can be found, who advocates the doctrine of assessing and collecting a tax, and the returning back, by an equal distribution, the same sum to the people. Such folly could be justified by no one. But in my opinion the act of Congress, which we are now considering, is of an entirely different character.

The public lands belonging to the United States as has before been stated, amount, at this time, to about 1,000,000,000 of acres; those within the defined limits of the States and Territories, to nearly three hundred millions of acres. As there cannot at this period be much, if any thing, due the treasury on account of these lands, we must now look upon them in the light of an immense fund, a rich legacy, belonging equally to all the States. The act of Congress proposes to give a small portion of this property to the States, the rightful owners. Before any force can be given to the statement of the report of the committee, that the distribution of the proceeds of the public lands will require an assessment on the people, in some shape equal in amount to the sum distributed, we must suppose an entire and total change in our present system of raising a revenue; in fact it implies a complete revolution and abrogation of the system which has been in operation ever since the existence of our present form of government. And it supposes, as a substitute for the present system of a tariff, imposts, &c., to defray all the expenses of the general government by the imposition of a system of direct taxation. Now if the time shall ever arrive when this great change has taken place, and it shall become the settled policy of the government to depend in part on the sales of the public lands to defray the national expenditures, and to collect from the people by a direct tax, a sum sufficient to make up the deficiency; then and not till then, will the conclusion formed by the committee be correct, that distribution must be followed by taxation.

I would respectfully present for consideration the following resolutions:

Resolved by the Senate and House of Representatives in General Court convened, That the management and disposal of property belonging to the United States, belongs exclusively to the general government. All laws made by the Congress of the United States, and which receive the sanction of the Executive, are,

in the language of the constitution, the supreme law of the land, and cannot be disregarded, abrogated, or annulled, except by a decision of the Supreme Court of the United States, on whom alone the constitution has assigned the power of deciding on the constitutionality of laws passed by the general government.

Resolved, That as Congress have uniformly claimed and exercised the power of disposing of portions of the public lands to individuals and to individual States, while a great majority of the States have never received any such special grants, and yet have in no legal manner made any complaint, or uttered any disapprobation in regard to such grants, it seems inconsistent to censure, condemn and nullify the act of September 4th, 1842, distributing equally and impartially to all the States, a mere fraction of the proceeds of the sales of the public lands.

Resolved, That it is the duty of New Hampshire to act and harmonize with her sister States in this particular instance. And as the Executive and Legislative departments of New Hampshire, have been legally notified that the sum of nine thousand nine hundred and fifty-five dollars and fourteen cents, is now ready to be paid over to them, this sum has in fact become identified with, and virtually constitutes a part of the *resources* of the State; and it is their duty to receive, guard, preserve and dispose of it for the benefit of the people of New Hampshire.

In Senate, Nov. 29, 1842.

The foregoing report and resolutions were read, and on motion of Mr. Colby, laid on the table.

ISAAC L. FOLSOM, Clerk.

INDEX.

Address for the removal of officers,	113 114 126 127 138 142
Adjournment, time of,	37 40 68 108 127
Amherst and Milford,	145 147 150 152 158 161
Amoskeag Savings Bank,	102 103 105 107 126
Artillery, first in the first regiment,	129 130 137 148
" in thirteenth regiment,	106 124 137
" in thirtieth regiment,	142 143
Assembling of Senate,	152
	3
Bagley George W.	113 114 120
Bank bills of small denomination,	137 158
Bank, Connecticut river,	22 29 156
Bank, Amoskeag Savings,	129 130 137 148
" Portsmouth,	130 131 136 148
" Strafford,	130 136 148 150
" Sullivan County,	65 149 152 158
" " " in addition to charter of	153 154 158
Banks, recharter of,	152
Bankrupt act,	189 141 144 158
Bennington, town of constituted,	65, 87 88 90 99
" Samuel B. Collins' farm annexed to,	101 103 106 126
Bridge, New Chester Union,	108 119 122 138
Brown John and others, petition of in relation to slavery,	123
Burr's map, furnished to towns, &c.	108 109 114 122 138
Census, documents relating to,	62 132 144 158
Chichester and Epsom, school districts in	46 47 50 51 56 61
Compensation to Commissioners for revising laws,	126
Connecticut River Bank,	127 129 142
Conventions of the two houses,	22 29 156
Corporations, act relating to,	5
Cross Ephraim,	66
	51 52 53 55 61

Committee to inform Governor elect that a quorum had assembled,	4
Committee to notify Hon. C. G. Atherton of his election as Senator,	25
Committee to report best method of publishing Revised Statutes;	25
Committee on Governor's message,	27
" on that portion of message relating to proceeds of the sales of the public lands,	27
" of conference on Title XXVIII,	37 38 42
" to fix time for the close of the session,	37 40 68
" on message relating to Exeter Savings Bank,	40 41 42
" to inform Governor of Mr. Atherton's election as Senator,	51 52 53
" of conference on Title XX,	106 119
" " on Title XXI,	109
" second on Title XX,	124 125 127 128
" to inform Governor of readiness to adjourn,	160
Deaf and dumb, exhibition of,	23
Derry Mutual Fire Insurance Company,	51 52 53
Dover and Portsmouth Railroad,	129 160 138 151
Engrossed Bills,	46 61 63 73 85 99 104 126 137 141 151 157 159
Epsom and Chichester, school districts in	46 47 50 51 56 61
Executions, levy of,	71 75 77 82 85
Exeter Savings Bank, Trustees of,	39 120 131 142
Ferry, grant to Nelson Richardson,	109 110 137
Folsom Isaac L. and others,	141 143 157
Franking privilege and postage,	65 69 85 87 90 157
Geological survey,	35
Governor's messages,	5 25 27 28 35 38 39 57 69 128 161
Gun house in the 12th regiment,	92 96 98 104
Hill Thomas P.	113 114 118 138
Insane convicts in State Prison,	28 33
Insurance Company, Derry Mutual,	51 52 53
" " Rockingham Mutual,	92 96 98 104 106
Jefferson and Kilkenny,	65 67 68 70 73
Jewell Danforth,	95 111 126 138

Judiciary system,	77 87
Kilkenny and Jefferson, " and Lancaster,	65 67 68 70 73 78 84 87 99
Lancaster and Kilkenny,	78 84 87 99
Laws, publication of in Manchester Democrat,	93 115 147
Manchester Democrat to publish laws,	93 115 147
Map, Burr's, to be furnished towns, &c.	108 109 114 122 138 161
Marlborough and Swansey,	92 94 96 104
Messages of Governor	5 25 27 28 35 38 39 57 69 128
Messer Harrison and others,	108 109 110 126
Milford and Amherst,	102 103 105 107 126
Money raised for the use of the State,	135 136 141 135 142
" borrowed,	135 142
Names, alteration of	109 110 114 135 137 141
Nash and Sawyer's Location,	92 103
Nashville furnished with statutes, &c.,	31 36 46
New Chester Union Bridge,	108 119 122 138
Officers, removal of	113 114 126 127 138 142
Pittsburg furnished with statutes, &c.,	44 59 60 63
Portsmouth and Dover Railroad,	129 130 138 151
" Bank,	131 136 148
Postage and franking privilege	65 69 85 87 90 157
Postponement to next session,	123 148 152 156
" indefinite,	53 103 120 148
President, <i>pro tempore</i> ,	30
" reply of, to vote of thanks,	156
Public lands of U. S., proceeds of,	25 33 38 60 67 71 139 141 144 157 158
" of this State, protected from trespassers,	113 114 119 138
" in Grafton and Carroll counties,	145 147 158
Quorums assembled,	4
Railroad, Portsmouth and Dover	129 130 138 151
Revised Statutes, mode of acting upon	19 20
" passage of,	147 148 159
" distribution of,	142 143 146 147 148 157
" copy of to State Printer,	143 146 147 158

Revised Statutes, printing of,	130 131 139 157 158
" Title I,	20 24
" Title II,	44 68 70 95 155
" Title III,	33 34
" Title IV;	22 23
" Title V,	31 32 40 41
" Title VI,	78 84 97 155
" Title VII,	44 59 66
" Title VIII,	115 120
" Title IX,	109 110 124 126
" Title X,	27 28 30
" Title XI,	41 43 54 55 71
" Title XII,	105 106 115 156
" Title XIII,	52 57 61
" Title XIV,	31 53 63 64
" Title XV,	31 32 42 45 48 49 56 57
" Title XVI,	67 69
" Title XVII,	125 132 142 144
" Title XVIII,	37 47 48 50 74 76
" Title XIX,	66 88 91 97 94 102
" Title XX, 75 76 77 99 101 104 106 119 121 123 124 125 127 128 131	
" Title XXI,	52 53 79 107 109 112
" Title XXII,	70 82 90 119
" Title XXIII,	75 76 83 102 155
" Title XXIV,	74, 75 93 97 98
" Title XXV,	41 43 55 61
" Title XXVI,	110 111 112 119
" Title XXVII,	84 94 97
" Title XXVIII,	32 33 35 36 37 38 42 43 45 70 76
" Title XXIX,	135 138 141
" Title XXX,	142 143 145
Richardson Nelson, ferry granted to,	109 110 137
Rix James M. and others,	130 134 141
Robinson Joseph,	153 154 158
Rockingham Guards,	106 124 137
" Mutual Fire Insurance Company, 92 96 98 104 106	
Rymes William,	37 39 41 46
Senate assembled,	3
Senators, names of,	3
Senator, U. S.,	19 24 30 51 52 53
Session, close of, 37 40 68 108 127 145 147 150 152 158 161	
Slavery, petition relating to,	123

Strafford Bank,	130 136 148 150
" Cotton Mill,	92 94 96 104
Sullivan County Bank,	65 149 152 158
" " " in addition to charter of,	153 154 158
Superior Court, terms of,	58 61 63
Swanzey and Marlborough,	92 94 96 104
Tariff protective,	139 141 144 158
Thanks to President,	156
Treasurer to borrow money,	135 142
" estimate of,	128
Union Bridge, New Chester,	108 119 122 138
United States Senator,	19 24 30 51 52 53
Upham Hon. N. G. resignation of,	57 58
Webster Atkinson and others,	142 143 145 151 152 158
Yeas and nays on striking from Title XXVIII the provision in relation to insane convicts,	33
" " on insisting upon Senate's amendment to said Title	35
" " on concurring in House amendment to Sen- ate's amendment to said Title,	46
" " on striking out sec.11 chap.136 of Title XV,	49
" " on Mr. Colby's amendment to first resolution relating to proceeds of public lands,	72
" " on the passage of said resolution,	72
" " on Mr. Perley's amendment to the second of said resolutions,	72
" " on Mr. Colby's amendment to said resolution,	73
" " on the passage of said resolution,	73
" " on Mr. McDaniel's amendment to Title XXI,	82
" " on passage of resolutions relating to postage and the franking privilege,	87
" " on passage of resolutions relating to judiciary system,	87
" " on Mr. Brown's amendment to Title VI,	95
" " on receding from Senate's amendment to Ti- tle XX,	105
" " on striking out sec.4 chap.217 of Title XXVI,	112
" " on striking from Title VIII the provision for taxing railroads,	121
" " on adhering to Senate's amendments to Title XX,	122
" " on amending Title XVII by inserting a provi- sion subjecting the stockholders of existing corporations to individual liability for corpo- rate debts,	134

- Yea's and nays on Mr. Colby's amendment to resolution for printing the Revised Statutes, 140
 " " on Mr. Perley's amendment to said resolution, 140
 " " on the passage of said resolution, 140
 " " on the passage of resolutions relating to public lands, a protective tariff and the bankrupt act, 144
 " " on postponing to next session the bill to incorporate Sullivan Co. Bank, 149
 " " on postponing to next session the bill to prolong the charter of Strafford Bank, 150
 " " on ordering said bill to a third reading, 150

